First Nations Water Rights in British Columbia

A Historical Summary of the rights of the Kanaka Bar First Nation

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FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:

A Historical Summary of the rights of the Kanaka Bar First Nation

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Gary Robinson
Project Manager
Water Management Branch

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FIRST NATION WATER RIGHTS REPORT

BAND: Kanaka Bar

ADDRESS: P.O. Box 400, Lytton, BC V0K 1Z0

CHIEF: James Frank

PHONE: 455-2279 **FAX**: 455-2772

AFFILIATION: Shuswap Nation Tribal Council

LOCATION:

The Kanaka Bar Band occupies five reserves situated within the Interior Plateau in an area south of Lytton.

The Kanaka Bar reserves include:

- ¥ Kanaka Bar 1A: a 69.2 hectare reserve located immediately north of where the Nekliptum River discharges into the Fraser River.
- ¥ Kanaka Bar 2: a 38.4 hectare reserve located on the left bank of the Fraser River, immediately north of Kanaka Bar Reserve No. 1A.
- ¥ Nekliptum 1: a 12.1 hectare reserve located directly adjacent to the southeast border of Kanaka Bar Reserve No. 1A.
- ¥ Pegleg 3: a 4.0 hectare reserve located east of Kanaka Bar Reserve No. 2.
- ¥ Whyeek 4: a 97.1 hectare reserve located on the right bank of the Fraser River, directly across from Kanaka Bar Reserve Nos. 1A and 2.

All of the Kanaka Bar reserves have an indication of an allocation of water rights.

The most recent population figures from the Ministry of Finance indicate that the Kanaka Bar Band's total population, including registered and non-registered members living on and off-reserve, is 159.

The Kanaka Bar reserves are located within the Interior Plateau in the Douglas-fir Biogeoclimatic Zone. This biogeoclimatic zone is known as the second warmest forest zone of the dry southern interior. The Kanaka Bar reserves lie at elevations ranging from 400 to 1,700 metres above mean sea level, and experience climate ranging from an average daily temperature of -5 to -10 degrees centigrade in January, to between 16 and 20 degrees centigrade in July. The

average annual rainfall for this area is 30 to 50 centimeters.

Water courses of significance include:

- ¥ Kanaka Spring, which is located just west of the Canadian Pacific Railway, near the centre of Whyeek No. 4.
- ¥ Kwoiek Creek, which flows southeast through Whyeek No. 4 before it enters the Fraser River.
- ¥ Mark Spring, which is situated near the eastern border of Kanaka Bar No. 2.
- ¥ Morneylun Creek, which flows southwest through Kanaka Bar No. 1A before it discharges into the Fraser River.
- ¥ Nekliptum Creek, which flows southwest through Nekliptum No. 1, and then southwest through the southeast corner of Kanaka Bar No. 1A, before it enters the Fraser River.
- ¥ Pegleg Creek, which flows in a westerly direction in an area immediately north of Pegleg No. 3.

WATER ALLOCATIONS:

There are no records of any allocations made by the Order In Council of the Lieutenant Governor in Council. However, the water rights of the Band have been recorded or affected by four actions of government over the years.

1) Allotments by Indian Reserve Commissioners.

   Following confederation, the Province and the Dominion established an Indian Reserve Commission to reserve lands for the Indians without their agreement and for the transfer of those lands to the Dominion. In setting apart lands for reserves, the Reserve Commissioners made it their practice to allot water with the lands. It is understood that this practice was unique among Indian Reserves in Canada and the authority of these Commissioners to allot water rights has always been disputed by the Province.

2) Determinations of the Board of Investigation under the *Water Act, 1914* of claims of the Department of Indian Affairs, and subsequent issue of water licences.

3) Granting of water licences from Federal Government application for licences for the use of water on reserves.

4) Actions to amend, cancel or record as abandoned rights under licence pursuant to provisions in the *Water Act*..

HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights, and notes for the Kanaka Bar Band with respect to Kanaka Spring and Kwioek Creek, Mark Spring, Morneylun, Nekliptum Creeks, and Pegleg Creek are as follows:

Kanaka Spring and Kwoiek Creek

History:

Jun 18, 1878 The Minute of Decision of the Indian Reserve Commission allocated the following for the use of the Kanaka Bar Band on Whyeek Reserve No. 4:

> *"Sufficient water for irrigation and other purposes is assigned from Whyeek river, also from a spring....and any sources of water supply which, on survey, may be found available."*

Note: The spring mentioned above is most likely Kanaka Spring. In addition, Whyeek River is now known as Kwoiek Creek.

Jul 21, 1924 At a final hearing before the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that on the 26th day of September, 1888, there was filed in the office of the Dominion Lands Agent at New Westminster, B.C., a bona fide application for a record of water from the Kanaka Bar Band, for use on Kanaka Bar Reserve No. 4 (Whyeek No. 4). The Order of the Board, numbered 6728, set out that a conditional licence should be issued which would:

(i) provide for the diversion of water from Kwoiek (Whyeek) Creek and Kanaka Spring,
(ii) take precedence from September 26, 1888,
(iii) authorize diversion of a maximum of 200 acre feet per year for irrigation of 66.7 acres of Kanaka Bar Reserve No. 4 (Whyeek No. 4), provided that 500 gallons per day, throughout the year, could also be used for domestic purpose.

The Comptroller of Water Rights issued Conditional Water Licence 7619, which embodied the terms and conditions set out in Board Order 6728.

Mar 5, 1963 A letter written by the P. G. Odynsky, District Engineer, indicated that Conditional Water Licence 7619 should be abandoned if full use of this licence is not to be continued.

Dec 5, 1963 A letter written to the Comptroller of Water Rights by R.J. Meek,

Superintendent of Indian Affairs, stated that:

> *"As there is no prospect of occupancy of Whyeek Indian Reserve No. 4 in the foreseeable future, I return herewith your form letter agreeing to the abandonment of water rights under Conditional Water Licence 7619, Kwoiek Creek and Kanaka Spring."*

Dec 20, 1963 Conditional Water Licence 7619 was recorded as abandoned.

Sep 15, 1989 A water application (No. 102757) was made by Consolidated Hydro Inc. to request a water rights permit to divert 5.0 cubic metres of water per second for power general purpose on Kwoiek Creek on Whyeek Reserve No. 4.

Feb 12, 1990 A letter written by J. S. Mattison, P. Eng., Manager, Water Licencing Section, indicated that the Department of Indian and Northern Affairs Canada have the following concerns regarding Application No. 102757:

> *"That partial construction of the penstock is on Indian Reserve No. 4, Whyeek, belonging to the Kanaka Bar Band and permission from the Band for an easement will have to be obtained; and that potential impacts, on the surrounding environment from the proposed development, in particular the effect on water quantity and quality will be addressed."*

Feb 26, 1990 Water application (No. 102750) was made by the Kanaka Bar Band to request a water rights permit to divert both 75 acre feet of water for irrigation purposes and 500 gallons of water per day for domestic purposes on Kwoiek Creek. In addition, this application requested a water rights permit for storage of 200 acre feet of water per year on Kwoiek Creek.

Feb 26, 1990 A water Application (No. 102749) was made by the Kanaka Bar Band to request a water rights permit for 10,000 kilowatts for power (general) purpose on Kwoiek Creek.

May 16, 1991 A letter was written to Ron Smith, Head, Water Licencing Allocation, Southern Interior Region, which indicated that application investigations were being coordinated with the consideration of proposals for hydro power development on Kwoiek Creek. The letter noted that application Nos. 102750 and 102749 are preceded by proposals for hydro-power development from Fraser Canyon Power Inc., and Consolidated Hydro Inc. Thus, if any of the other projects are approved, their diversion to the proposed powerhouse site would bypass the intake suggested by the Kanaka Bar Band for their irrigation and domestic water.

Oct 31, 1994 A water application was made by the Kanaka Bar Band for the purpose of

increasing the design capacity of the proposed hydroelectric project that was first applied for under application No. 102749. The application requested a water rights permit for 50,000 megawatts for power purpose in addition to the original water licence application No. 102749.

Current Status:

There are currently no active licences on Kwoiek Creek or Kanaka Spring.

Water Survey of Canada has no records of streamflow on Kwoiek Creek or Kanaka Spring, and there is no other current information on water availability.

Notes:

1. The Kanaka Bar Band's prior right to water allotted by the Indian Reserve Commission has not been formally recognized by the Province.

2. The Kanaka Bar Band's licenced water rights were lost as a result of the abandonment of Conditional Water Licence 7619.

3. There are currently four outstanding applications for the Kwoiek Creek, two of which were filed by the Kanaka Bar Band.

Mark Spring

History:

Jul 13, 1967 In accordance with an application made by the Director of Indian Affairs on behalf of the Kanaka Bar Band, the Comptroller of Water Rights issued Conditional Water Licence 32339. This licence has a precedence date of July 2, 1965 and authorizes the diversion of 4,000 gallons of water per day, year round from Mark Spring for waterworks purpose. The land to which this licence is appurtenant is Kanaka Bar Reserve No. 2.

Current Status:

Conditional Water Licence 32339 is the only active licence on Mark Spring. It is for the use and benefit of the Kanaka Bar Band.

Water Survey of Canada has no records of streamflow on Mark Spring, and there is no other current information on water availability.

Notes:

1. Conditional Water Licence 32339 is currently licenced for waterworks purpose. The status of this licence could lead to the designation of the Mark Spring drainage area as a Community Watershed under the Forest Practices Code.

Morneylun and Nekliptum Creeks

History:

Jun 18, 1878 The Minute of Decision of the Indian Reserve Commission allocated the following for the use of the Kanaka Bar Band on Kanaka Bar Reserve No. 2:

> *"15 inches of water for irrigation and other purposes are assigned as prior to all other claims from Nekliptum and Morneylun Streams..."*

Note: The reference to an inch of water is understood to be a "miner's inch" of water. The Water Act of 1914 defined a miner's inch as being equal to a flow of 0.028 cubic feet per second. This rate of flow over a 120 day irrigation season would be 6.664 acre feet for each miner's inch.

Jun 18, 1878 The Minute of Decision of the Indian Reserve Commission allocated the following for the use of the Kanaka Bar Band on Kanaka Bar Reserve No. 1A:

> *"Sufficient water for irrigation and other purposes is assigned from Nekliptum Stream or other sources of water supply which, on survey, may be found available..."*

Note: Morneylun Creek is an additional source of water that flows through Kanaka Bar Reserve No. 1A.

Dec 30, 1920 In accordance with an application made by I. H. Graham, Indian Agent on behalf of the Kanaka Bar Band, the Comptroller of Water Rights issued Conditional Water Licence 5261. This licence was given a precedence date of July 2, 1920 and authorized diversion of 58 acre feet per year (from April 1 to September 30) from Morneylun Creek and Nekliptum Creek for irrigation purpose. Of this amount, 1,000 gallons of water per day, year round can be used for domestic purpose. The land to which this licence is appurtenant is Kanaka Bar Reserve No. 1A, of which 19.4 acres may be irrigated.

Oct 22, 1923

At a final hearing before the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that on the 26th day of September, 1888, there was filed in the office of the Dominion Lands Agent at New Westminster, B.C., a bona fide application for a record of water from an Indian Agent of behalf of the Kanaka Bar Band, for use on Kanaka Bar Reserve No. 2. The Order of the Board, numbered 6550, set out that a conditional licence should be issued which would:

(i) provide for the diversion of water from Morneylun and Nekliptum Creeks,
(ii) take precedence from September 26, 1888,
(iii) authorize diversion of a maximum of 121.2 acre feet per year for irrigation of 40.4 acres of Kanaka Bar Reserve No. 2, provided that 3,000 gallons per day, throughout the year, could also be used for domestic purpose.

The Comptroller of Water Rights issued Conditional Water Licence 7126, which embodied the terms and conditions set out in Board Order 6550.

Oct 22, 1923

At a final hearing before the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that on the 26th day of September, 1888, there was filed in the office of the Dominion Lands Agent at New Westminster, B.C., a bona fide application for a record of water from an Indian Agent on behalf of the Kanaka Bar Band, for use on Kanaka Bar Reserve No. 1 (Nekliptum Reserve No. 1). The Order of the Board, numbered 6551, set out that a conditional licence should be issued which would:

(i) provide for the diversion of water from Nekliptum Creek,
(ii) take precedence from September 26, 1888,
(iii) authorize diversion of a maximum of 32.7 acre feet per year for irrigation of 10.9 acres of Kanaka Bar Reserve No. 1, provided that 500 gallons per day, throughout the year, could also be used for domestic purpose.

The Comptroller of Water Rights issued Conditional Water Licence 7123, which embodied the terms and conditions set out in Board Order 6551.

May 20, 1937

Based on the extent to which the rights granted under the former licence were being exercised at the time, the Comptroller of Water Rights issued Final Water Licence 10000 (in substitution of Conditional Water Licence 5261) to the Superintendent General of Indian Affairs on behalf of the Kanaka Bar Band. The licence has a precedence date of July 2, 1920 and authorizes the diversion of 58.2 acre feet per year (from April 1 to September 30) from Morneylun Creek and Nekliptum Creek, for irrigation purposes on 19.4 acres of Kanaka Bar Reserve No. 1A. Of this amount,

1,000 gallons per day, year-round may also be for domestic use.

May 20, 1937 Based on the extent to which the rights granted under the former licence were being exercised at the time, the Comptroller of Water Rights issued Final Licence 10001 (in substitution of Conditional Licence 7126) to the Superintendent General of Indian Affairs on behalf of the Kanaka Bar Band. The licence has a precedence date of September 26, 1888 and authorizes the diversion of 84 acre feet per year (from April 1 to September 30) from Morneylun and Nekliptum Creeks, for irrigation purposes on 28 acres of Kanaka Bar Reserve No. 2. Of this amount, 1,000 gallons per day, year-round may also be for domestic use.

May 20, 1937 Based on the extent to which the rights granted under the former licence were being exercised at the time, the Comptroller of Water Rights issued Final Licence 9998 (in substitution of Conditional Licence 7123) to the Superintendent General of Indian Affairs on behalf of the Kanaka Bar Band. The licence was given a precedence date of September 26, 1888 and authorized the diversion of 18 acre feet per year (from April 1 to September 30) from Nekliptum Creek, for irrigation purpose on 6 acres of Kanaka Bar No. 1 (Nekliptum 1). Of this amount, 1,000 gallons per day, year-round may also be for domestic use.

May 28, 1990 An application for Transfer of Appurtenancy regarding Final Water Licence 9998 was made by the Kanaka Bar Band (Nekliptum No. 1). This application wished to transfer a portion of the rights authorized under Final Licence 9998 to the Kanaka Bar Band (Nekliptum No. 1 and Kanaka Bar No. 1A). This application stated that they wished to amend the licence to authorize the use of water on the following land:

> *"Nekliptum I.R. No. 1 and Kanaka Bar I.R. No. 1A...instead of Nekliptum I.R. No. 1."*

May 28, 1990 An application for Change of Purpose was made by the Kanaka Bar Band. This application wished to change the purpose for which Final Water Licence 9998, Nekliptum Creek, was issued as follows:

> *"For domestic purpose (proposed purpose) rather than for irrigation and domestic purpose (present purpose)."*

Jun 25, 1991 In accordance with an application for both a Transfer of Appurtenancy and a Change of Purpose made by the Kanaka Bar Band, the Comptroller of Water Rights issued Conditional Water Licence 68455 (in partial substitution of Final Water Licence 9998). This licence has a precedence date of September 26, 1888 and authorizes the diversion of 5.22 acre feet per year (from April 1 to September 30) from Nekliptum Creek for irrigation purpose. The land to which this licence is appurtenant is Nekliptum Reserve No. 1, of which 1.74 acres may be irrigated.

In connection with Conditional Water Licence 68455, Permit Over Crown Lands 18127 was granted to the Kanaka Bar Band. This permit authorized occupation of Crown Land for the construction and maintenance of works.

Jun 25, 1991 In accordance with an application for both a Transfer of Appurtenancy and a Change of Purpose made by the Kanaka Bar Band, the Comptroller of Water Rights issued Conditional Water Licence 68454 (in partial substitution of Final Water Licence 9998). This licence has a precedence date of September 26, 1888 and authorizes the diversion of 9,500 gallons of water per day, year round from Nekliptum Creek for waterworks purpose. The land to which this licence is appurtenant is Nekliptum Reserve No. 1 and Kanaka Bar Reserve No. 1A.

In connection with Conditional Water Licence 68454, Permit Over Crown Lands 18126 was granted to the Kanaka Bar Band. This permit authorized occupation of Crown Land for the construction and maintenance of works.

Current Status:

Morneylun Creek:

There are currently three active licences on Morneylun Creek, two of which are held by the Kanaka Bar Band. Of the licences:

- 3 authorize the use of water for domestic purpose, for a total of 2,500 gallons of water per day, year round.
- 3 authorize the use of water for irrigation purpose, for a total of 157.7 acre feet of water per year.

Note: Some licences authorize the use or diversion of water for more than one purpose.

The Kanaka Bar Band holds Final Water Licences 10000 and 10001 which are second and third in priority on Morneylun Creek.

Water Survey of Canada has no records of streamflow on Morneylun Creek, and there is no other current information on water availability.

Nekliptum Creek:

There are currently six active licences on Nekliptum Creek, four of which are held by the Kanaka Bar Band. Of the licences:

- 1 authorizes the use of 9,500 gallons of water per day, year round for waterworks purpose.

- 3 authorize the use of water for irrigation purpose, ranging from 5.22 acre feet to 84 acre feet of water per year.
- 3 authorize the use of water for domestic purpose, for a total of 3,000 gallons of water per day, year round.
- 1 authorizes the use of 0.10 cubic feet of water per second for power-commercial purpose.

Note: Some licences authorize the use or diversion of water for more than one purpose.

The Kanaka Bar Band holds Conditional Water Licences 68454 and 68455 that are first and second in priority on Nekliptum Creek. The Kanaka Bar Band also holds Final Water Licences 10001 and 10000 which are third and fourth in priority on Nekliptum Creek.

Water Survey of Canada has no records of streamflow on Nekliptum Creek, and there is no other current information on water availability.

Notes:

1. The Indian Reserve Commission allocation has never been recognized by the Province.
2. The issuance of Final Water Licence 10001 (which substituted Conditional Water Licence 7126) resulted in the reduction of licensed water rights for the Kanaka Bar Band.
3. Conditional Water Licence 68454 is currently licenced for waterworks purpose. The status of this licence could lead to the designation of the Nekliptum Creek drainage area as a Community Watershed under the Forest Practices Code.
4. There is currently one outstanding application for Nekliptum Creek. This application was not filed by the Kanaka Band.

Pegleg Creek

History:

Jun 18, 1878 The Minute of Decision of the Indian Reserve Commission allocated the following for the use of the Kanaka Bar Band:

> *"...5 inches of water from Pegleg Creek or other sources of water supply which, on survey, may be found available."*

Apr 24, 1924 At a final hearing before the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that on the 26th day of

September, 1888, there was filed in the office of the Dominion Lands Agent at New Westminster, B.C., a bona fide application for a record of water from Pegleg Creek, for use on Pegleg Reserve No. 3. The Order of the Board, numbered 6524, set out that a conditional licence should be issued which would:

(i) provide for the diversion of water from Pegleg Creek,
(ii) take precedence from September 26, 1888,
(iii) authorize diversion of a maximum of 25 acre feet per year for irrigation of 8.3 acres of Pegleg Reserve No. 3, provided that 500 gallons per day, throughout the year, could also be used for domestic purpose.

The Comptroller of Water Rights issued Conditional Water Licence 7517, which embodied the terms and conditions set out in Board Order 6524.

Feb 2, 1935 The Comptroller of Water Rights issued an Order, in accordance with the notice of proposed cancellation dated December 17, 1934, which cancelled Conditional Water Licence 7517.

Note: Further information regarding Conditional Water Licence 7517 is unknown as the corresponding file was destroyed in 1945.

Current Status:

There are currently no active licences on Pegleg Creek.

Water Survey of Canada has no records of streamflow on Pegleg Creek, and there is no other current information on water availability.

Notes:

1. The Kanaka Bar Band's prior right to water allotted by the Indian Reserve Commission has not been formally recognized by the Province.

2. The water rights held by the Kanaka Bar Band under Conditional Water Licence 7517 on Pegleg Creek were cancelled in 1935.

OTHER INFORMATION:

Additional Water Records:

The *Schedule of Indian Reserves in the Dominion, 1913,* is a document published by the federal government, recording each Band's water allocations up to 1913. We believe these records are a compilation of Minute of Decisions, Order-in-Councils, and perhaps other documents. However, as original copies of these documents are unavailable, the dates and information cannot be verified.

Allocations in the *Schedule of Indian Reserves in the Dominion* for the benefit of the Kanaka Bar Band, which are inconsistent with our findings, are:

Reserve	Water Allocation
Nekliptum 1	*"25 inches of water recorded from Nekliptum creek, and all the water from all sources of water-supply on the reserve."* The Minute of Decisions, dated June 18, 1878, may be inconsistent with the amount stated in the Dominion's schedule. The Minute of Decisions refer to *"sufficient water"* and *"15 inches of water."* Board Order 6551 (Conditional Water Licence 7123) stated that a bona fide application for a record of water from Nekliptum Creek has been used for beneficial purposes. The Kanaka Bar Band was granted 32.7 acre feet of water a year. The quantity authorized under the Board Order is less than the amount stated in the Dominion's schedule (25 inches or 166.7 acre feet).
Kanaka Bar 2	*"10 inches of water recorded from Nekliptum creek, 5 inches from Morneylun creek, and all the water from all sources of water-supply on the reserve.* The Minute of Decisions, dated June 18, 1878, may be inconsistent with the amount stated in the Dominion's schedule with regards to Nekliptum Creek. The Minute of Decisions refer to *"sufficient water"* and *"15 inches of water."* Board Order 6550 (Conditional Water Licence 7126) stated that a bona fide application for a record of water from Morneylun and Nekliptum Creeks has been used for beneficial purposes. The Kanaka Bar Band was granted 121.2 acre feet of water a year. The quantity authorized under the Board Order is less than the amount stated in the Dominion's schedule (10 inches or 66.7 acre feet on Nekliptum Creek and 5 inches or 33.3 acre feet on Morneylun Creek, for a total of 100 acre feet of water).

Pegleg 3

"5 inches of water recorded from Pegleg creek."

Board Order 6524 (Conditional Water Licence 7517) stated that a bona fide application for a record of water from Pegleg Creek has been used for beneficial purposes. The Kanaka Bar Band was granted 25 acre feet of water a year. The quantity authorized under the Board Order is less than the amount stated in the Dominion's schedule (5 inches or 33.3 acre feet).

Whyeek 4

"100 inches of water recorded from Whyeek creek, all the water from a neighbouring stream, and all the water from all sources of water-supply on the reserve."

The Minute of Decisions, dated June 18, 1878, may be inconsistent with the amount stated in the Dominion's schedule. The Minute of Decisions refer to *"sufficient water."*

Groundwater Records:

Review of records of the Groundwater Section found no evidence of wells located on any of the Kanaka Bar Reserves. However, the provision of this groundwater information is voluntary and, therefore, cannot be assumed to be complete.

Alternate Water Sources:

At this time the potential for water supply from a municipality is limited, as there are no municipal water systems in the proximity of the Kanaka Bar Reserves.

The proximity of the Fraser River to the Kanaka Bar Reserves makes it a possible source of water for other purposes.

Summary of Water Rights Records								
Kanaka Bar Band								
Water Source	**Priority Date**	**Reserve Name**	**File No.**	**Document Type**	**Status**	**Superceded By**	**Licence PUC/MOD & OIC Allotments**	**Comments**
Nekliptum Creek	1878/06/18	Kanaka Bar 1A	AGBC #590457	MOD			*"Sufficient water for irrigation and other purposes from Nekliptum Stream or other sources of water supply ... available"*.	IRC Allocation: Not formally recognized by Province.
Nekliptum Creek	1888/09/26	Kanaka Bar 1A	3001874	C 68454	Current		9,500 GAD /Waterworks	Purpose: "waterworks" categorization qualifies Nekliptum Cr. Drainage area for designation as "Community Watershed" under provisions contained in the FPC.
Nekliptum Creek, Morneylun Creek	1920/07/02	Kanaka Bar 1A	0022899	F 10000	Current		58.20 AF/Irrigation 1,000 GAD	
Nekliptum Creek, Morneylun Creek	1920/07/02	Kanaka Bar 1A	0022899	C 5261	Superceded	F 10000	1,000 GAD/Domestic 58 AF/Irrigation	The substitution of CL7126 for FL10001 resulted in the reduction of licensed water rights.

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Nekliptum Creek, Morneylun Creek	1878/06/18	Kanaka Bar 2	AGBC #590457	MOD			*"15 inches for irrigation and other purposes"* Converted equivalent - 92 AF	IRC Allocation: Not formally recognized by Province.
Nekliptum Creek, Morneylun Creek	1888/09/26	Kanaka Bar 2	0241051	F 10001	Current		1,000 GAD 84 AF /Irrigation	Purpose: "irrigation and domestic." The substitution of CL7126 for FL10001 resulted in the reduction of licensed water rights.
Nekliptum Creek, Morneylun Creek	1888/09/26	Kanaka Bar 2	0241051	C 7126	Superceded	F 10001	3,000 GAD Domestic 121.2 AF /Irrigation	
Mark Spring	1965/07/02	Kanaka Bar 2	0263352	C 32339	Current		4,000 GAD/Waterworks	Purpose: "waterworks" categorization qualifies Nekliptum Cr. Drainage area for designation as "Community Watershed" under provisions contained in the FPC.
Nekliptum Creek	1888/09/02	Nekliptum 1	0241052 3001874	F 9998	Superceded	C 68454 C 68455	18 AF/Irrigation 1,000 GAD/Domestic	

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Nekliptum Creek	1888/09/26	Nekliptum 1	0241052	C 7123	Superceded	F 9998	500 GAD/Domestic 32.7 AF/Irrigation	
Nekliptum Creek	1888/09/26	Nekliptum 1	0241052	C 68455	Current		5.22 AF/Irrigation	
Nekliptum Creek	1888/09/26	Nekliptum 1	3001874	C 68454	Current		9,500 GAD/Waterworks	Purpose: "waterworks" categorization qualifies Nekliptum Cr. Drainage area for designation as "Community Watershed" under provisions contained in the FPC.
Pegleg Creek, *"all other sources"*	1878/06/18	Pegleg 3		MOD			*"5 inches of water ... irrigation and other purposes"*. (Converted equivalent - 33.32 AF)	IRC Allocation: Not formally recognized by Province.
Pegleg Creek	1888/09/26	Pegleg 3	0006254	C 7517	Cancelled		500 GAD 25 AF/ Irrigation	Cancellation: Supporting details unknown; corresponding file
Whyeek River, Un-named Spring	1878/06/18	Whyeek 4	AGBC #590457	MOD			Sufficient water for irrigation, etc.	IRC Allocation: Not formally recognized by Province.

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Kwoiek (Whyeek) Creek, Kanaka Spring	1888/09/26	Whyeek 4	0241086	C 7619	Abandoned		500 GAD 200 AF/Irrigation	
Kwoiek Creek	1989/09/15	Whyeek 4	3001529	Z 102757	Application		15,000 KW/PRGEN	
Kwoiek Creek	1990/02/26	Whyeek 4	3001612	Z 102750	Application		500 GAD 75 AF Irrigation	
Kwoiek Creek	1990/02/26	Whyeek 4	3000580	Z 102749	Application		10,000 KW/PRGEN	

Kanaka Flat Indians

A reserve on the bench above the Yale Cariboo waggon road (between Jackass Mountain and Kanaka Flat) about 46½ mile from Yale on a stream flowing into left bank of Fraser River called Hek Lift um. The reserve

18 June 1878

to be laid out on both sides of the stream and to include the Indian cultivation and any adjoining irrigable cultivable land in good survey shape, not exceeding 30 acres

Sufficient water for irrigation and other purposes to be assigned from Hek Lift um stream or other sources of water supply which

On

on survey, may be found available,
but his right will come second
to what may be required for the
old decree of Kanaka Flat and
to any rights of water of Inv & Kanaka
existing at this date

Inv

Kanaka Flat Indians

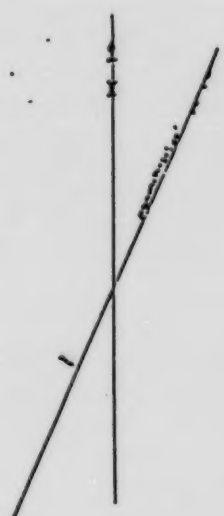
The old reserve at Kanaka Flat on the left bank of Fraser river is conformed as per Royal Engineer's sketch but it has to be squared up in good survey shape and extended to include about 10 acres of woodland and any adjoining cultivable land if such can be found after the lines of Mr L. Hamilton's claim at present measured at Kanaka Flat have been defined.

18 June 1878

A portion of land of about 2 acres but to include any Indian clearing or cultivation is also assigned on a small bench above the

the waggon road on Pay Lay creek,
as shown on sketch, about half a
mile north east from Kanaka Flat.
15 inches of water for
irrigation and other purposes are
assigned as prior to all other claims
from Ket Lip Lum and Mowey Lay

KANAKA FLAT
81 Miles below
LYTTON.
on left bank of
FRASER RIVER



the waggon road on Pag. Pag creek,
as shown on sketch, about half a
mile north east from Kanaka Flat.
15 inches of water for
irrigation and other purposes are
assigned as prior to all other claims
from Hot. Dist. um and Dromedary
streams, and also 5 inches of water
from Pag. Pag creek or other source
of water supply which on survey may
be found available. (See Commissioners
letter 10 July 1878 to Dr L. Hawkins Lytton
and that gentlemans reply.

Kanaka Flat Indians

A Reserve at Why-ek river on the right bank of Fraser river opposite about the 46 mile post from Yale on the Yale Cariboo waggon road to be bounded as follows

15 June 1876

From the rocky bluff on the right bank of the Fraser river (opposite Kanaka Flat) thence in a southerly direction crossing Why-ek river and following generally the base of the mountains to a base bank on right bank of Fraser river apparently formed by a slide (about opposite Mr Palmer's house on the waggon road) thence up right bank of Fraser river to starting point.

Sufficient

Sufficient water for irrigation and other purposes to accrue from Ryrock own, also from a spring shown on sketch and any sources of water supply which, on survey, may be found available.

GMS

Note

These boundaries may be altered as the above land is temporarily reserved under the following circumstances

The extent of this reserve and also its shape should largely depend on whether irrigation shall be brought to be portions of the land - a matter which the Commissioner at the time of his examination could not determine owing to

PROVINCE OF BRITISH COLUMBIA. **WATER RIGHTS BRANCH.** DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE
(IRRIGATION)

Appurtenant to 19.4 acres of Kanaka Bar Indian Reserve No. 1A.

WHEREAS H. Graham, Indian Agent, whose post-office address is Lytton, B.C.

as owner or lawful occupant of the land hereinafter specified, has applied for a licence to take and use water in the manner hereinafter set out, and has taken all the preliminary steps required of such applicant under the "Water Act, 1914," prior to the issue of this licence, and is, under the said Act, entitled thereto:

(1.) Now, therefore, in pursuance of the said Act, this conditional licence is issued, granting the licensee thereunder the right to take and use water under the following terms and conditions:—

(a.) The source of the water-supply is Morneylum Creek and Nekliptum Creek a tributary of Fraser River.

(b.) The point of diversion from the stream is located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which is attached to the counterfoil of this licence on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria.

(c.) The date from which this licence shall take precedence is 2nd July, 1920.

Incorporated by 10,000
Final Licence

(d.) The purpose for which the water is to be used is irrigation.

(e.) The maximum quantity of water which may be used at the place of use when all the lands mentioned in item (g) hereof are under irrigation is, until lawfully altered, 58 acre-feet per annum; and the maximum quantity which may be used per acre at the said place of use in any year is 3 acre-feet: Provided that if any records have been issued, or if any other licences have been or may hereafter be issued, for the use of water upon the said lands, the maximum quantity allowed under this licence shall be reduced by such quantities as may from time to time be used upon the said lands under such other records or licences, including the records or licences at present outstanding, namely, Licence No. ..... from ..... (Stream.)

and Licence No. ..... from ..... (Stream.)

And provided further that in such cases the Comptroller may, after the requisite hydrographic data have been accumulated for determining the particular quantity of water which may be used under this licence, require the surrender thereof for the purpose of readjustment, and may amend the same by stating therein such particular quantity so determined. The maximum quantity which may be diverted from the stream per annum is 3 acre-feet per acre of land irrigated and an additional amount for reasonable seepage and evaporation.

And provided further that there may be used in addition 1000 gallons of water per day throughout the whole year for domestic purpose as being incidental to the irrigation purpose.

Licence Number 5261

Form 1004, W.R.B. (Conditional Licence—Irrigation).—1,000-8-20.

5261
ORIGINAL

(f.) The period of the year during which the water may be used is 1st April to 30th September.

(g.) The area and description of the irrigable lands to which this right may extend on completion of works and beneficial use of the water in the irrigation of the said lands are 19.4 acres, comprising parts of Kanaka Bar Indian Reserve No. 1A.

The extent and location of the said irrigable lands are further shown in the said exhibit "A."

(h.) The other terms and conditions respecting the right are:—

(1.) Works for the diversion and the carriage of the water as set forth in the exhibit marked "B" which is hereto attached and hereby made a part hereof shall be constructed in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(2.) The said construction shall be commenced on or before the first day of May, 19 21.

(3.) The said construction shall be prosecuted with due diligence and to the satisfaction of the Comptroller, and shall be completed on or before the thirtieth day of November, 19 30.

(4.) The lands described in clause (g) hereof shall have been properly prepared for irrigation and shall have been irrigated beneficially from the said works on or before the thirtieth day of November, 19 30.

(5.)

(i.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

(j.) This licence shall not be valid and effective to authorize the construction and maintenance of any works upon, or the use or occupation of any lands belonging to the Crown in the right of Canada unless and until approved by the Minister of the Interior and shall be subject to such terms and conditions as the Minister may prescribe.

(2.) This licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

Issued this thirtieth day of December, 19 20.

File No. 022899.

E. H. Cleveland
Comptroller of Water Rights.

Licence Number 5261

5261

ORIGINAL

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

EXHIBIT "B."

(APPROVAL OF PLANS AND LIST OF WORKS TO BE CONSTRUCTED.)

The works which are accepted as necessary and suitable for the taking and (or) using of the water under the above-mentioned licence, and which are more fully set out in the plans and specifications filed in the office of the Comptroller of Water Rights numbered 125514 C.

as altered, amended, or limited by supplemental plans and specifications numbered Plan 1900 - 25

or in letters or other documents referred to as

which plans and specifications as thus altered, amended, or limited are hereby approved, are as follows:—

Ditches

File No. 022899.

ENTERED
Map No. 44
By ROW

E. Cleveland
Comptroller of Water Rights.

Form 1004, W.R.B. (Approval of Plans)—2,000-11-29—(Forming part of Conditional Water Licence No. 526)

5.26.

ORIGINAL

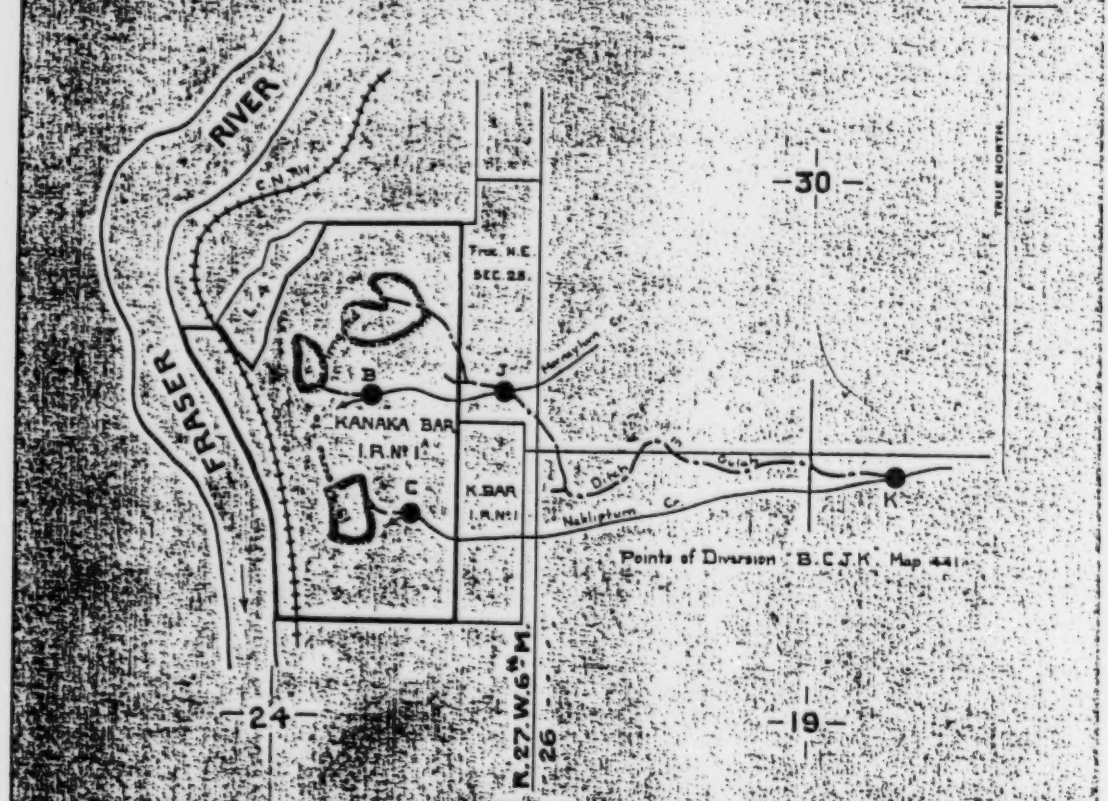
6

British Columbia

To accompany Conditional Licence No. 5261 Precinct

ASHCROFT WATER DISTRICT

Scale 20 Chains to an Inch



The boundaries of the land to which this licence is appurtenant are shown shaded.

Signature E.H. Cleveland

Date 30 Dec 1920

EXHIBIT 'A'. R.B.

C.L. 5261

Tile 022899

PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

(For an Irrigation Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the water set out in the order No. 6551, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to Kokiplum I.R. (No.1 Kanaka Bar).

Superseded by Final Licence 9998

Made and entered this 22nd day of October, 1923.

E. A. Cleveland
Comptroller of Water Rights.

No. 7123

Form No. 1004, W.R.B. (Licence in respect of Board Order)—1,500-12-21—5397.

Copy for Comptroller

British Columbia.

To accompany Board's Order No. 6551 Precinct

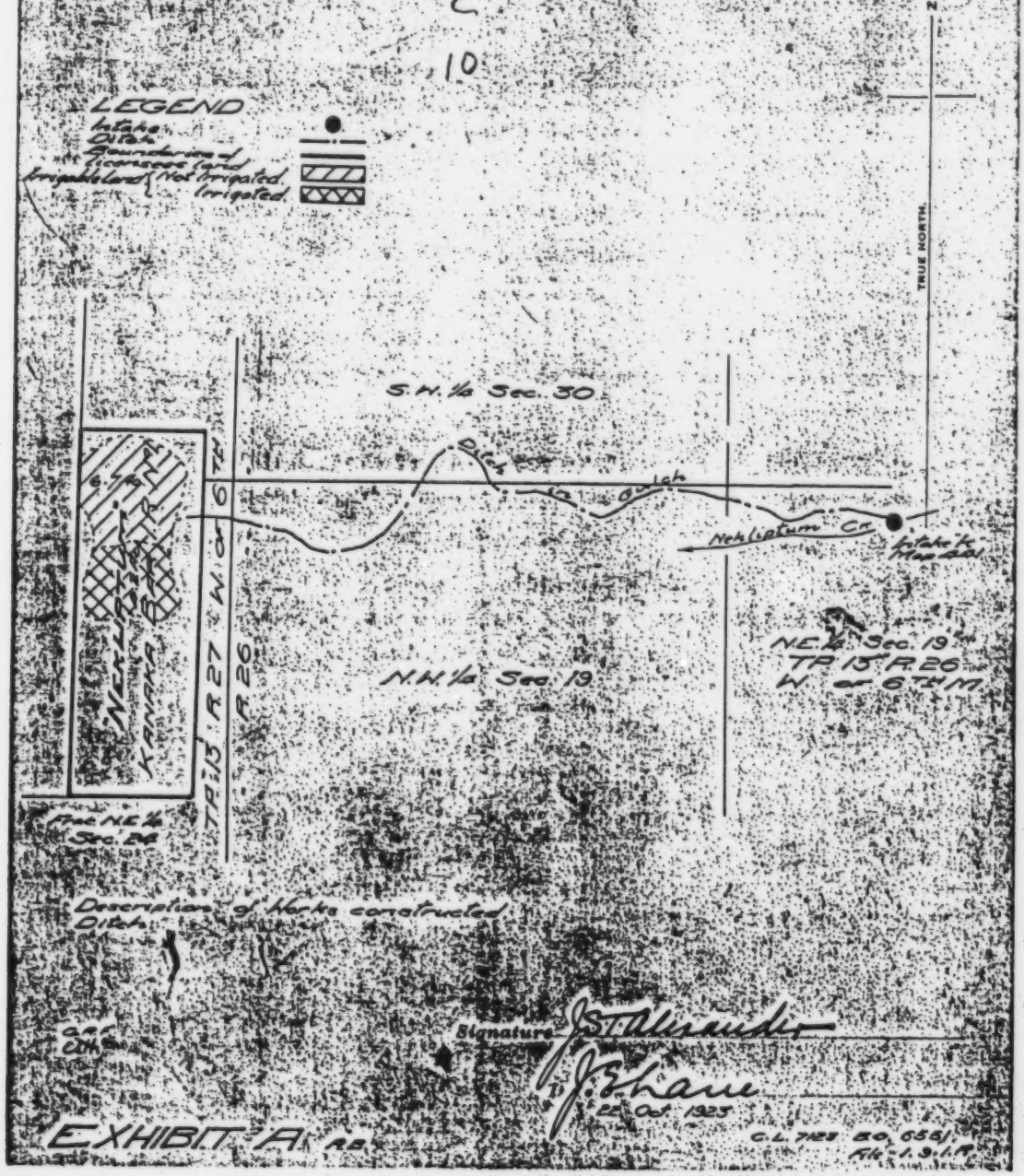
ASHCROFT WATER DISTRICT.

Scale, 80 Chains to 1 Inch.

10

LEGEND

Intake
Ditch
Boundaries of licensed land
Irrigable land { Not Irrigated / Irrigated



PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES.)

BY THE BOARD OF INVESTIGATION,
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters

of Nekliptum Creek

in the neighbourhood of Lytton, in the

Ashcroft Water District.

NOW, on the 10th day of June, 1920, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above-entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims (which are on file and designated as Indian File No. 1-9-1) that, on the 26th day of September, 1888, there was filed in the office of the Dominion Lands Agent at New Westminster a bona fide application for a record of water from Nekliptum Creek, a tributary of Fraser River, for use on the Nekliptum I.R. (No.1 Kanaka Bar), and that water from the said stream has been used for beneficial purposes on the said Indian Reserve.

Form 598, W.R.B.—2,000-12-20. Order No. 6551a...

Copy for Comptroller

2. The claims of the Department of Indian affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(*a*.) The sources of the water supply is Nekliptum Creek, a tributary of Fraser River.

(*b*.) The points of diversion from the said sources is located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(*c*.) The date for which the said licence shall take precedence is 26th September, 1888.

(*d*.) The purpose for which the water is to be used is irrigation.

(*e*.) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (*g*) of this clause, until lawfully altered, is 32.7 acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is three (3) acre-feet: Provided that where sources of supply other than those named in subclause (*a*) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (*g*) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(*f*.) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(*g*.) The water may be used on the Nekliptum I.R. (No.1 Kanaka Bar) of which 10.9 acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(*h*.) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(*i*.) The execution of the said works shall be commenced or resumed on or before the first day of June, 1924, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j*.) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purpose set out in the licence on or before the first day of November, 1930.

(*k*.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

Board Order No.6551.

Copy for Comptroller

(l.) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 500 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purpose, such quantity of water (not exceeding ---------- acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of ---------- and it may be stored (accumulated) in a reservoir at ----------

---------- between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (d), (e), and (f) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (e) hereof.

(m.) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(n.) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

.....

.....

.....

.....

.....

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 22nd day of October, 1923

THE BOARD OF INVESTIGATION.

By "J.S.T.Alexander", Chairman. Member.

and "J.E.Lane", Member.

ENTERED ON
Map No. 441
By [illegible]

Form 387, W.R.B.—2,000-12-23.

Order No. 6551.

Copy for Comptroller

PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

(For an Irrigation Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the water set out in the order No. 6550, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to Kanaka Bar I.R. (No.2 Kanaka Bar).

Superseded by 10,001
Final Licence

Made and entered this 22nd day of October, 1923.

E. A. Cleveland

Comptroller of Water Rights.

No. 7126

Form No. 1606, W.R.B. (Licence in respect of Board Order)—1,500-12-21—3397.

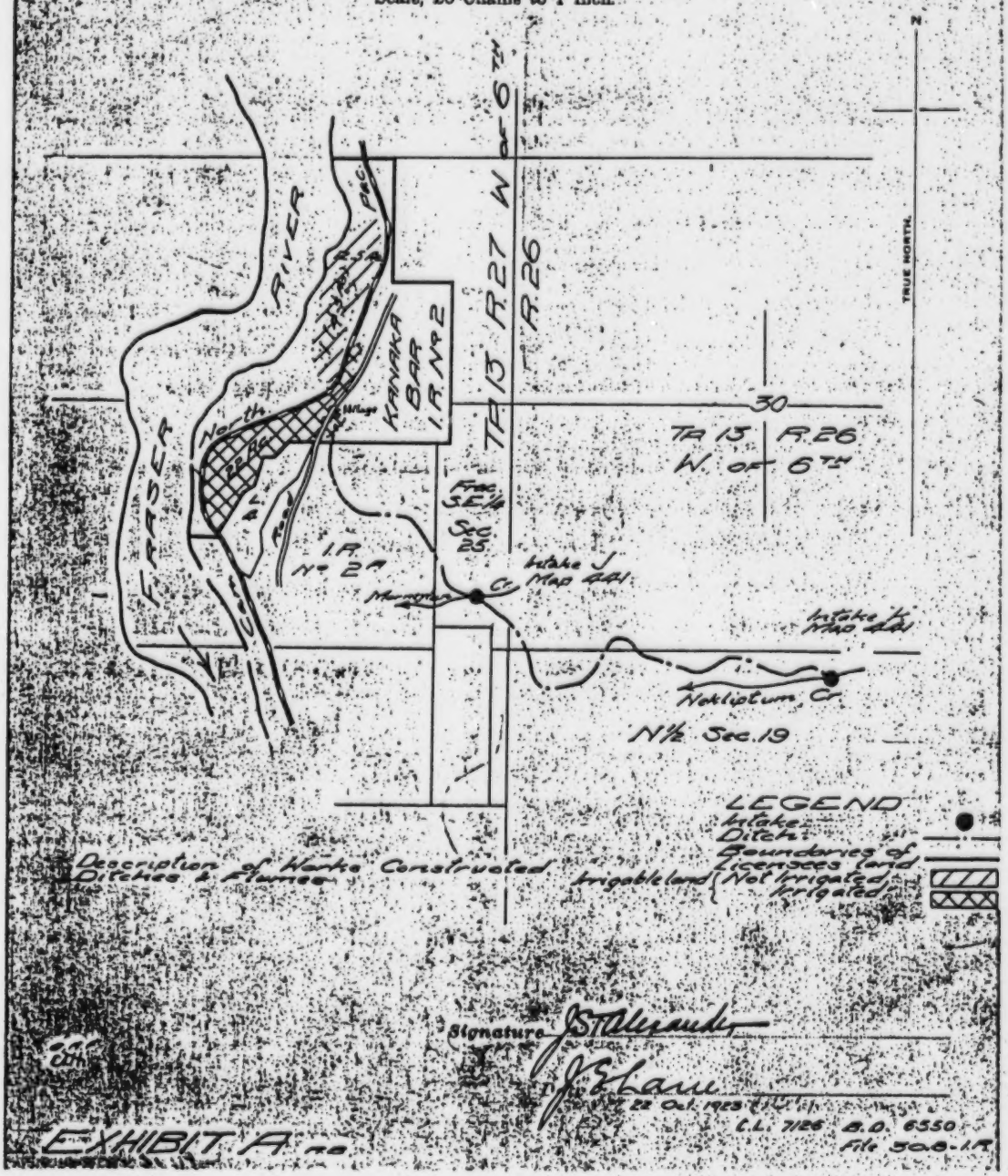
Copy for Comptroller

British Columbia.

To accompany Order-in-C No. 6550 Precinct

ASHCROFT WATER DISTRICT.

Scale, 20 Chains to 1 Inch.



PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters

of Morneylum and Nekliptum Creeks

in the neighbourhood of Lytton, in the

Ashcroft Water District.

NOW, on the 10th day of June, 1920, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above-entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims (which are on file and designated as Indian File No. 30-8-1) that, on the 26th day of September, 1888, there was filed in the office of the Dominion Lands Agent at New Westminster a bona fide application for records of water from Morneylum and Nekliptum Creeks, tributaries of the Fraser River, for use on the Kanaka Bar I.R. (No.2 Kanaka Bar) and that water from the said streams has been used for beneficial purposes on the said Indian Reserve.

Form 558, W.R.B.—2,000-12-20.

Order No. 6550.

Copy for Comptroller

2. The claims of the Department of Indian affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(*a.*) The sources of the water supply are Nemeylan and Nekliptum Creeks, tributaries of Fraser River.

(*b.*) The points of diversion from the said sources are located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(*c.*) The date for which the said licence shall take precedence is 26th September, 1888.

(*d.*) The purpose for which the water is to be used is irrigation.

(*e.*) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (*g*) of this clause, until lawfully altered, is 121.2 acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is three (3) acre-feet: Provided that where sources of supply other than those named in subclause (*a*) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (*g*) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(*f.*) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(*g.*) The water may be used on the Kanaka Bar I.R. (No.2 Kanaka Bar) of which 40.4 acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(*h.*) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(*i.*) The execution of the said works shall be commenced or resumed on or before the first day of June, 1924, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j.*) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purpose set out in the licence on or before the first day of November, 1930.

(*k.*) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

Board Order No.6550.

Copy for Comptroller

(l.) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 3,000 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purpose, such quantity of water (not exceeding ~~~~~ acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of ~~~~~ and it may be stored (accumulated) in a reservoir at ~~~~~ between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (*d*), (*e*), and (*f*) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (*e*) hereof.

(m.) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(n.) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 22nd day of October, 1923

THE BOARD OF INVESTIGATION.

By "J.S.T.Alexander", ~~Chairman~~ Member.

and "J.E.Lane", *Member.*

ENTERED ON Map No. 441 By [illegible]

Form 387, W.R.B.—2,000-12-23. Order No. 6550.

Copy for Comptroller

PROVINCE OF BRITISH COLUMBIA. **WATER RIGHTS BRANCH.** DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

(For a n Irrigation Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the water set out in the order No. 6524, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a Conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this Conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to Pegleg Indian Reserve (No.3 Kanaka Bar)

F.W. Derbyshire
1945

Made and entered this 24th day of April, 1945

E. H. Cleveland
Comptroller of Water Rights.

No. 7517

Form No. 1006, W.R.B. (Licence in respect of Board Order)—1,500-12-21—5597.

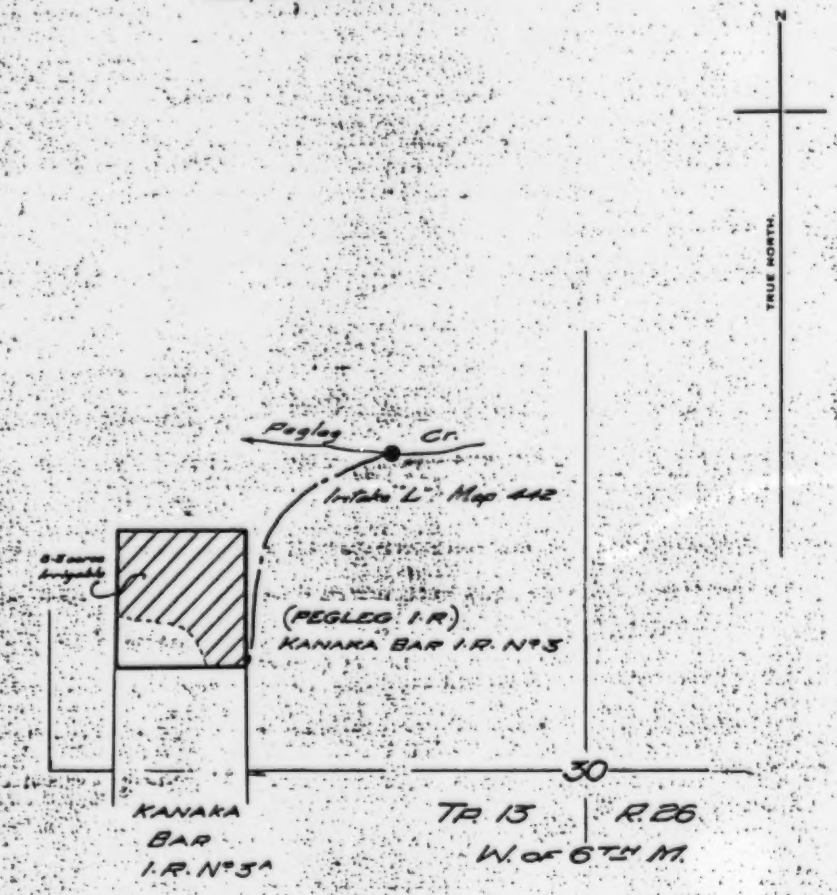
ORIGINAL

British Columbia

To accompany Board Order No. 6524

ASHCROFT WATER DISTRICT.

Scale, 10 Chains to 1 Inch.



LEGEND
Intake
Ditch
Road

The boundaries of the land to which this licence is appurtenant are shown shaded.
0.5 acres within the said boundaries are claimed to be irrigable, as shown hatched

Description of Works to be constructed
Ditch

Signature J. Alexander
J. Shaw 24 Apr. 1924
(C.L.C.L. 7517) B.C. 6524
File 25 8 1

EXHIBIT "A"

R.B.

PROVINCE OF BRITISH COLUMBIA

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES.)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters

of Pegleg Creek a tributary of Fraser River

in the neighbourhood of Kanaka Bar, in the

Ashcroft Water District.

NOW, on the 10th day of June 1920, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above-entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims (which are on file and designated as Indian File No. 25-8-1) that on the 26th day of September 1888 there was filed in the office of the Dominion Lands Agent at New Westminster, B.C. a bona fide application for a record of water from Pegleg Creek, a tributary of Fraser River, for use on the Pegleg Indian Reserve (No.3 Kanaka Bar) and that water from the said creek has been used for beneficial purposes on the said Indian Reserve.

ORIGINAL

2. The claims of the Department of Indian affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(*a.*) The sources of the water supply is Pegleg Creek a tributary of Fraser River is

(*b.*) The points of diversion from the said sources are located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(*c.*) The date ~~from~~ which the said licence shall take precedence is 26th September 1888

(*d.*) The purpose for which the water is to be used is irrigation.

(*e.*) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (*g*) of this clause, until lawfully altered, is 25 acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is 3 acre-feet: Provided that where sources of supply other than those named in subclause (*a*) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (*g*) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(*f.*) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(*g.*) The water may be used on Pegleg Indian Reserve (No.3 Kanaka Bar) of which 8.3 acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(*h.*) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(*i.*) The execution of the said works shall be commenced or resumed on or before the first day of June, 1924, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j.*) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purpose set out in the licence on or before the first day of November, 1930

(*k.*) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

ORIGINAL

(l.) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 500 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purpose, such quantity of water (not exceeding ---------- acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of ---------- and it may be stored (accumulated) in a reservoir at ---------- between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (*d*), (*e*), and (*f*) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (*e*) hereof.

(m.) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(n.) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 24th day of April, 1924

THE BOARD OF INVESTIGATION.

By J. T. Alexander, Chairman.

and J. S. Lane, Member.

Form 387, W.R.B.—2,000-12-20.

Order No. 6524

ORIGINAL

WATER ACT

Section 74

IN THE MATTER OF Conditional Water Licence 7517, dated 24th April, 1934, granted to the Department of Indian Affairs, authorizing the diversion and use of water from Pegleg Creek for irrigation purpose on the Pegleg Indian Reserve (No. 5 Kanaka Bar).

.....

YOU ARE HEREBY NOTIFIED that you have failed to prove to my satisfaction:

(a) that the construction of the works authorized under the above mentioned licence was begun within the time fixed therefor, and

(b) that the construction of the said works was prosecuted with due diligence.

AND YOU ARE FURTHER NOTIFIED that on the 31st day of January, 1935, I propose to cancel the said Conditional Water Licence 7517.

DATED at Victoria, B.C. this 17th day of December, 1934.

J. Lumsden

Comptroller of Water Rights.

File 82-8-1.

W A T E R A C T

Section 74.

CANCELLATION ORDER.

BEFORE THE COMPTROLLER OF WATER RIGHTS:

In accordance with the notice of proposed cancellation dated the 17th day of December, 1934, Conditional Water Licence No. 7517, is hereby cancelled.

DATED at Victoria, B.C. this 2nd day of February, 1935.

J. C. MacDonald

Comptroller of Water Rights.

File No. 25-8-1.

Copy for Water Recorder

PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

(For a n Irrigation Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an Investigation respecting the water set out in the order No. 6728, duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to Nyoek Indian Reserve (No.4 Kanaka Bar).

Made and entered this 21st day of July, 1924.

G. R. NADEN
Acting Comptroller of Water Rights.

No. 7619

Form No. 1000, W.R.B. (Licence in respect of Board Order)—1,500-1-23—504.

Calculated 20 Dec 63

Copy for Comptroller

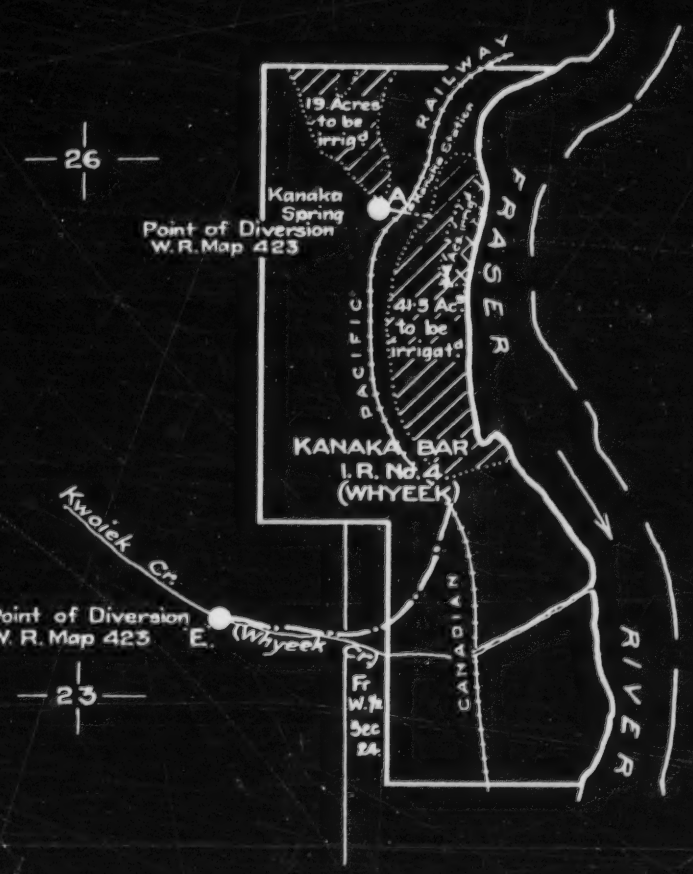
British Columbia

To accompany Conditional Licence No 7619 (B.O. 6728)

ASHCROFT ——— WATER DISTRICT.

Scale, 20 Chains to 1 Inch.

Tp. 13. R. 27 W. of 6TH M.



The land dealt with by this Licence is shown shaded.

Signature: J. B. Alexander
J. B. Lane

EXHIBIT "A" R.B.

(C.L. 7619.) B.O. 6728. 13-13-1

21st July 1924.

PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES.)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters of Kwoiek (Whyeak) Creek and Kanaka Spring, tributaries of Fraser River, in the neighbourhood of Kanaka Bar, in the Ashcroft Water District.

NOW, on the 11th day of June, 1920, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above-entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims (which are on file and designated as Indian File No. 13-13-1) that, on the 26th day of September, 1888, there was filed in the office of the Dominion Lands Agent at New Westminster, B.C., a bona fide application for a record of water from Kwoiek (Whyeak) Creek and Kanaka Spring, tributaries of Fraser River, for use on the Whyeak Indian Reserve (No.4 Kanaka Bar), and that water from the said creek and spring has been used for beneficial purposes on the said Indian Reserve.

2. The claims of the Department of Indian affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(*a.*) The sources of the water supply are Kwoiek (Whyoek) Creek and Kanaka Spring, tributaries of Fraser River.

(*b.*) The points of diversion from the said sources are located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(*c.*) The date for which the said licence shall take precedence is 26th September, 1888.

(*d.*) The purpose for which the water is to be used is irrigation.

(*e.*) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (*g*) of this clause, until lawfully altered, is 200 acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is 3 acre-feet: Provided that where sources of supply other than those named in subclause (*a*) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (*g*) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(*f.*) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(*g.*) The water may be used on Whyoek Indian Reserve (No.4 Kanaka Bar) of which 66.7 acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(*h.*) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(*i.*) The execution of the said works shall be commenced or resumed on or before the first day of June, 1924, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j.*) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purpose set out in the licence on or before the first day of November, 1930.

(*k.*) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

(*l.*) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 500 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purpose, such quantity of water (not exceeding [redacted] acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of [redacted] and it may be stored (accumulated) in a reservoir at [redacted] between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (*d*), (*e*), and (*f*) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (*e*) hereof.

(*m.*) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(*n.*) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 7th day of July, 1922.

THE BOARD OF INVESTIGATION.

By "J.S.T.Alexander", Chairman. Member.

and "J.E.Lane", *Member.*

Map No. 423
By 1924

Form 357, W.B.B.—2,000-12-20.

Order No. 6728.

Copy for Comptroller

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs of **Ottawa, Ontario**

is/are hereby authorized to **divert and use** water as follows:—

(a) The source(s) of the water-supply is/are **Mark Spring.**

(b) The point(s) of **diversion** is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is **2nd July, 1965.**

(d) The purpose for which the water is to be used is **waterworks.**

(e) The maximum quantity of water which may be **diverted is 4,000 gallons a day,**

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be **used is the whole year.**

(g) The land upon which the water is to be used and to which this licence is appurtenant is **Indian Reserve No.2, Kanaka Bar, Kamloops Division of Yale District, except Trans Canada Highway (Plan H653) and Canadian National Railway Right-of-Way.**

(h) The works authorized to be constructed are **intake and pipe,**

and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works **has been completed and the water shall be beneficially used on or before the 31st day of December, 1969.**

(j) **This licence is issued subject to the reservation established on that part of the Fraser River between Quesnel and Lytton, by Order-in-Council No. 1426/1934 and amending Order-in-Council No. 1330/1954.**

ENTERED ON
Map No. 92
By

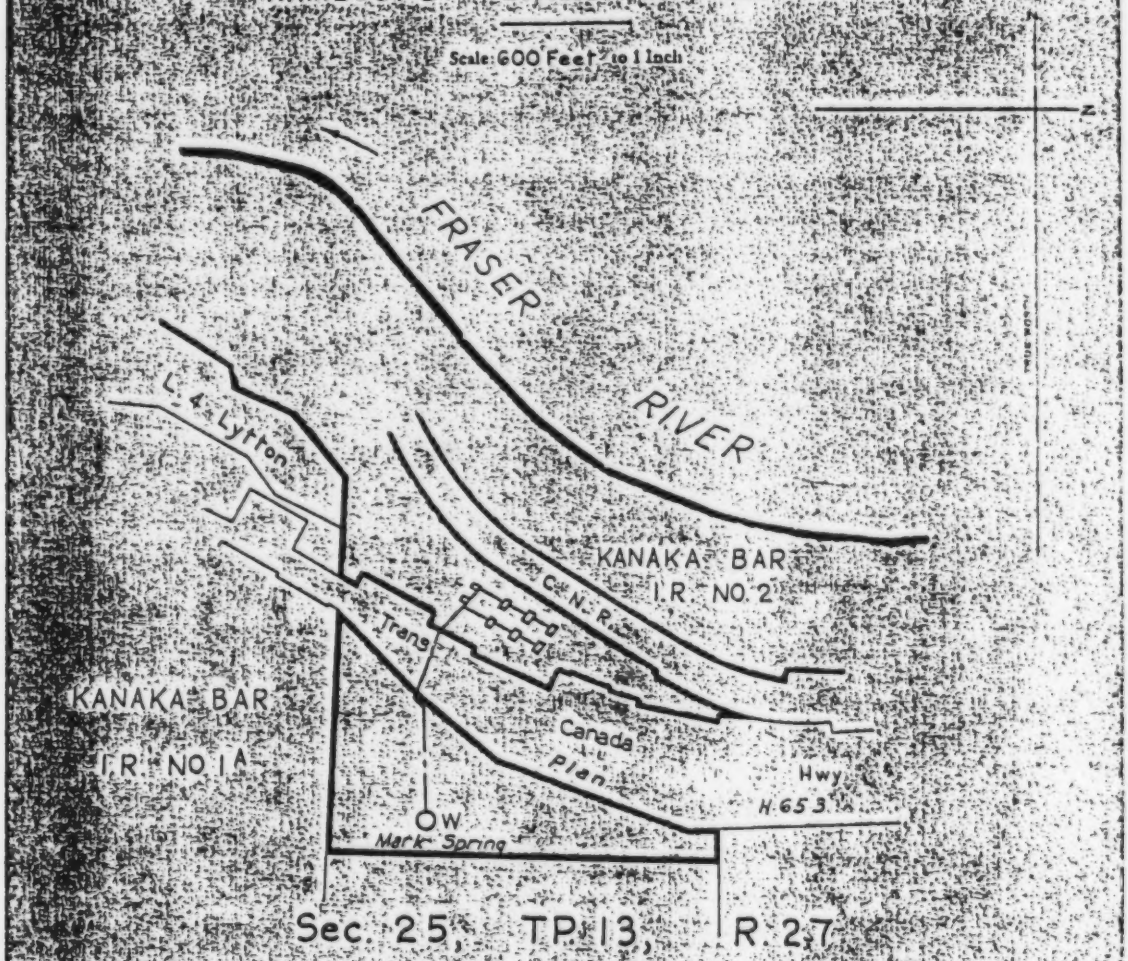
H. D. DeBeck,
Comptroller of Water Rights.

File No. **0263352** Date issued: **13 July 1967** Conditional Licence No. **32339**

British Columbia

ASHCROFT WATER DISTRICT
KAMLOOPS DIVISION OF YALE DISTRICT

Scale: 600 Feet to 1 Inch



LEGEND

Point of Diversion ..... O

W.R. Map No. 442

Pipe ——————

The boundaries of the land to which this licence is appurtenant are shown thus ——————

Signature

Date 13th July 1967

CL 32339

File 0263352

EXHIBIT "A"

WATER MANAGEMENT BRANCH

MINISTRY OF ENVIRONMENT

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

KANAKA BAR INDIAN BAND of P.O. Box 400
Lytton, British Columbia V0K 1Z0

is hereby authorized to divert and use water as follows:

(a) The stream on which the rights are granted is Nekliptum Creek.

(b) The points of diversion are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 26th September, 1888.

(d) The purpose for which this licence is issued is waterworks.

(e) The maximum quantity of water which may be diverted is 9,500 gallons a day.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Nekliptum Indian Reserve No.1 and Kanaka Bar Indian Reserve No.1A, except Highway No.1 Plan H 328.

(h) The authorized works are diversion structures, pipe, ditch, water treatment plant and reservoir, located approximately as shown on the attached plan.

(i) The construction of the said works shall be completed and the water beneficially used prior to the 31st day of December, 1993. Thereafter, the licensee shall continue to make beneficial use of the water in the manner authorized herein.

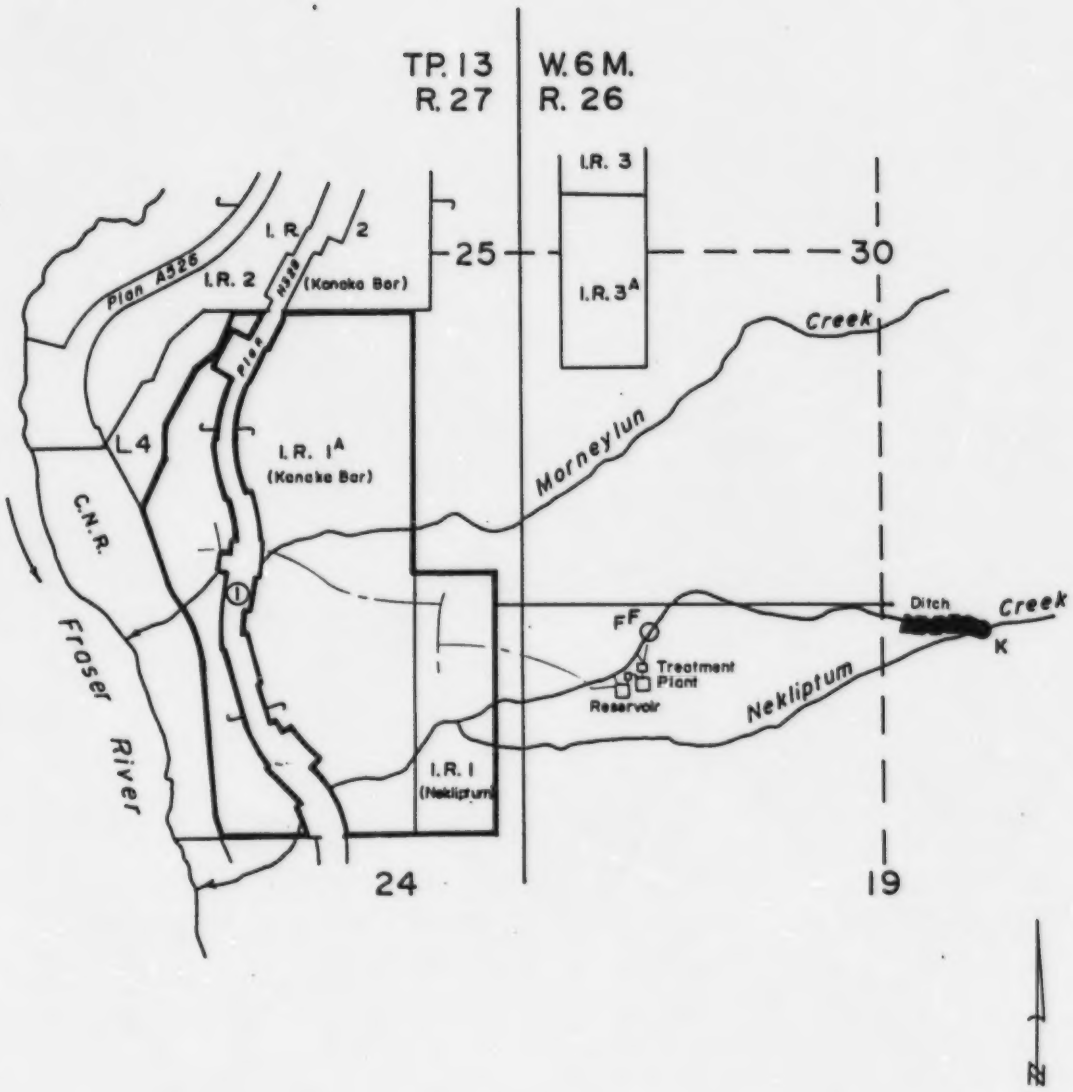
(j) This licence is issued in substitution of Final Water Licence 9998, in part, under Sections 15 and 16 of the Water Act.

A.D. Zackodnik, P. Eng.
Regional Water Manager

File: 3001874 Date Issued: JUN 25 199 Conditional Licence: 68454

W-183

Province of British Columbia



WATER DISTRICT : ASHCROFT
PRECINCT : LYTTON
LAND DISTRICT : KAMLOOPS DIVISION OF YALE

LEGEND

Scale : 1000 feet to 1 inch
Points of Diversion : ● ○ ·
Map Number : WR 441
Pipe :
Permit over Crown Land:
Ditch :

The boundaries of the land to which this licence is appurtenant are shown thus:

Signature
Date JUN 25 1991

C.L. 68454 for F.L. 9998 in part
File 3001874
P.C.L. 18126

WATER MANAGEMENT BRANCH

MINISTRY OF ENVIRONMENT

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

KANAKA BAR INDIAN BAND of P.O. Box 400
Lytton, British Columbia V0K 1Z0

is hereby authorized to divert and use water as follows:

(a) The stream on which the rights are granted is Nekliptum Creek.

(b) The points of diversion are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 26th September, 1888.

(d) The purpose for which this licence is issued is irrigation.

(e) The maximum quantity of water which may be diverted is 5.22 acre-feet.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Nekliptum Indian Reserve No.1 of which 1.74 acres may be irrigated.

(h) The authorized works are diversion structures and ditches, located approximately as shown on the attached plan.

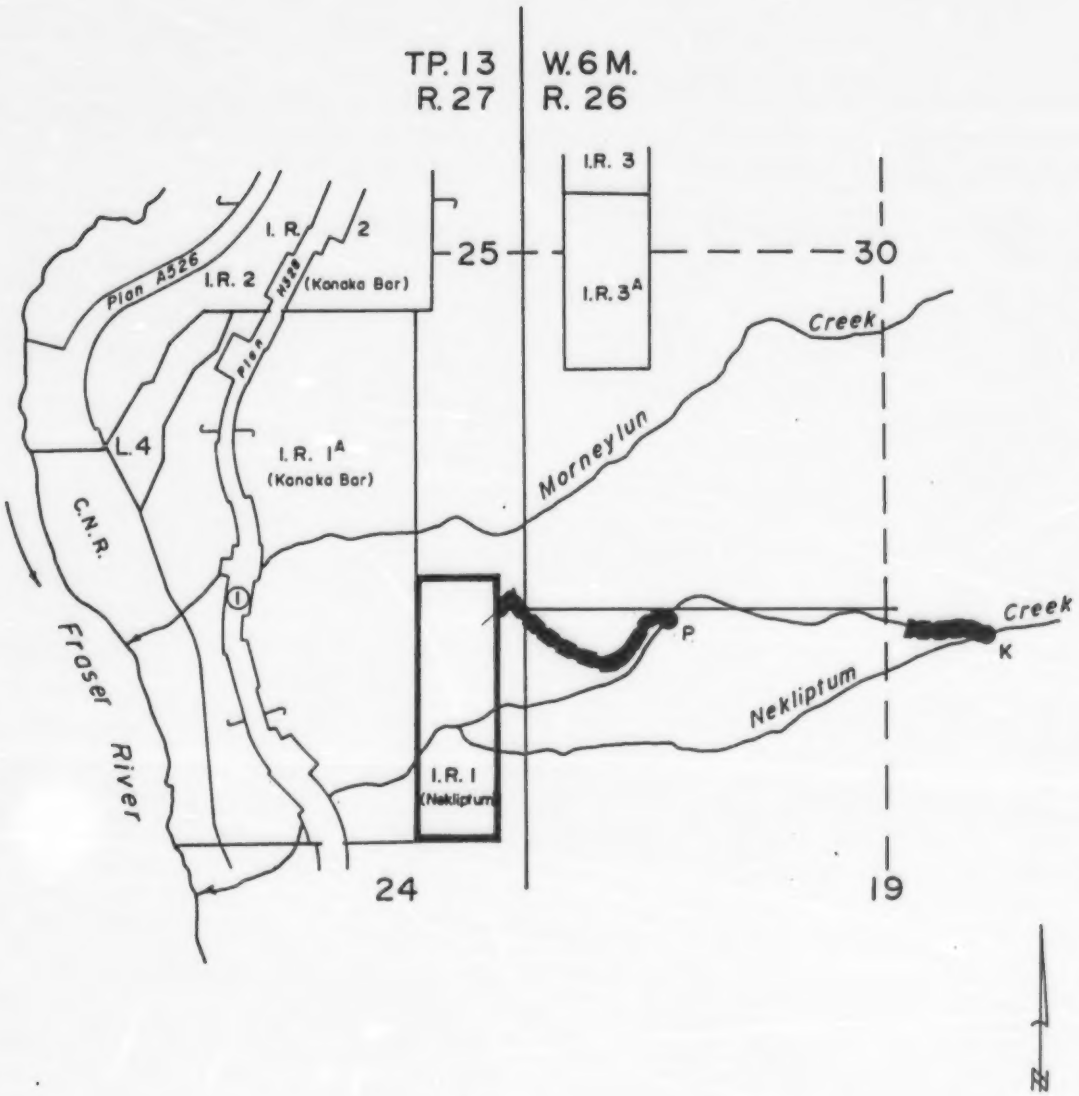
(i) The construction of the said works has been completed and the water is being beneficially used. The licensee shall continue to make beneficial use of the water in the manner authorized herein.

(j) This licence is issued in substitution of Final Water Licence 9998, in part, under Sections 15 and 16 of the Water Act.

A.D. Zackodnik, P. Eng.
Regional Water Manager

File: 0241052 Date Issued: JUN 25 1991 Conditional Licence: 68455

Province of British Columbia



WATER DISTRICT : ASHCROFT
PRECINCT : LYTTON
LAND DISTRICT : KAMLOOPS DIVISION OF YALE

LEGEND

Scale : 1000 feet to 1 inch
Points of Diversion : ●
Map Number : WR 441
Ditch : ——— - ———
Permit over Crown Land: ▬▬▬

The boundaries of the land to which this licence is appurtenant are shown thus: ▬▬▬

Signature A. Zuchodnik
Date JUN 25 1991.

C.L. 68455 for EL 9998 in part
File 0241052
P.C.L. 18127

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

FINAL WATER LICENCE.

The Superintendent-General of Indian Affairs of Ottawa, Canada, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is Nekliptum creek

a tributary of Fraser river.

(b.) The point of diversion from the stream is located as shown in the Exhibit marked hereto attached.

(c.) The date from which this licence shall have precedence is 26th September 1888.

(d.) The purpose for which the water is to be used is irrigation & domestic.

(e.) The maximum quantity of water which may be diverted from the stream is 18 acre feet per annum, of which quantity 1000 gallons a day may be used for domestic purpose.

(f.) The period of the year during which the water may be used is for irrigation is 1st April to 30th September and for domestic use is the whole year.

(g.) The land upon which the water may be used is 6 acres of Nekliptum Indian Reserve No. 1

as shown in the said Exhibit "A."

(h.) The works for the diversion and the carriage of the water consist of ditches.

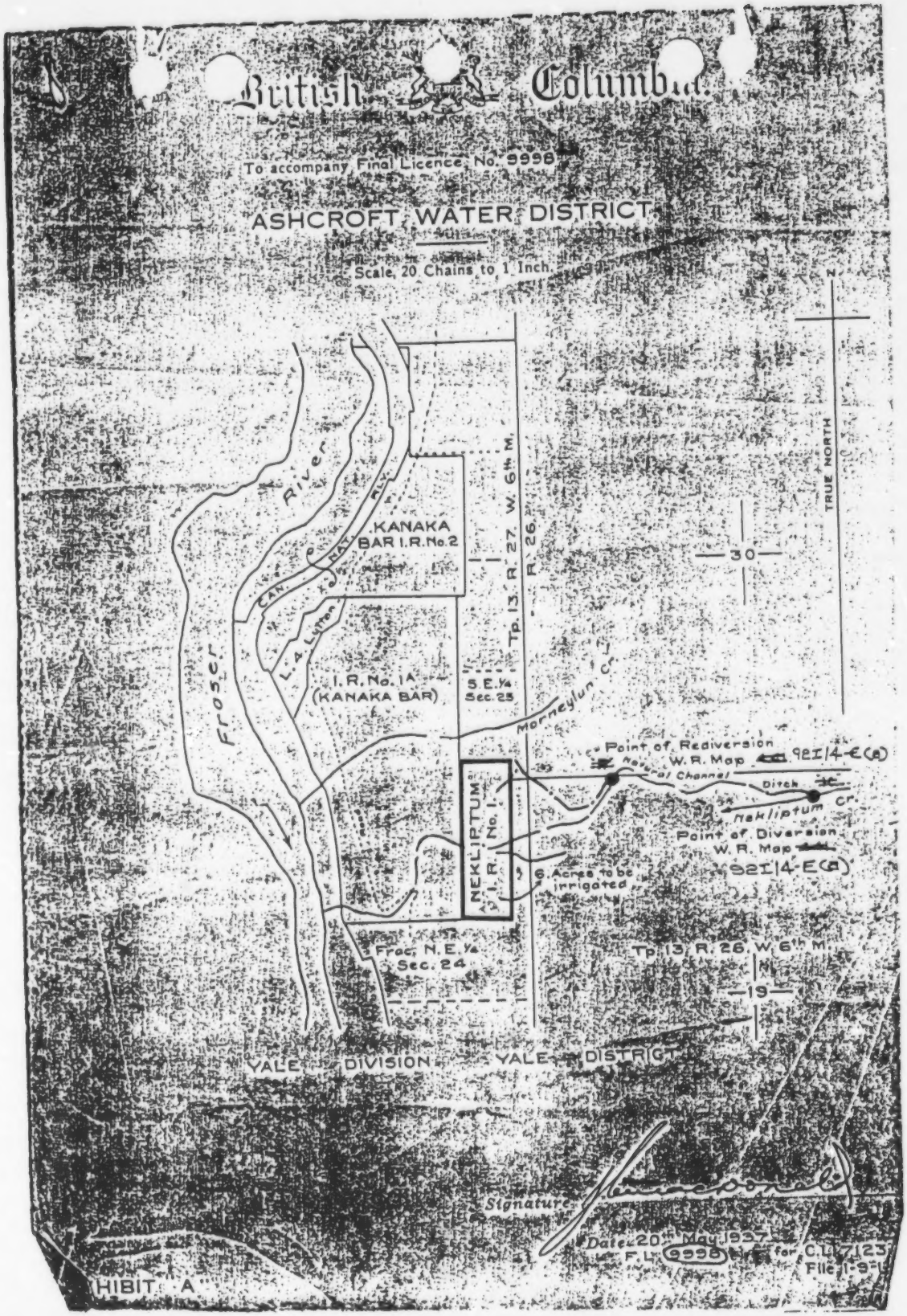
(i.) This licence is issued in substitution of Conditional Water Licence No. 7123.

Date issued May 20, 1937.

Comptroller of Water Rights.

1-9-1

Licence No. 939


British Columbia
To accompany Final Licence No. 9998
ASHCROFT WATER DISTRICT
Scale, 20 Chains to 1 Inch.
N
TRUE NORTH
Fraser River
KANAKA BAR I.R. No. 2
CAN. NAT. RY.
L. A. Lytton
I.R. No. 1A (KANAKA BAR)
S.E. ¼ Sec. 25
Tp. 13 R. 27 W. 6th M.
R. 26
30
Morneylun Cr.
Point of Rediversion W.R. Map 92I/4-E(a)
Natural Channel
Ditch
Nekliptum Cr.
Point of Diversion W.R. Map 92I/4-E(a)
NEKLIPTUM I.R. No. 1
6 Acres to be irrigated
Frac. N.E. ¼ Sec. 24
Tp. 13 R. 26 W. 6th M.
19
YALE DIVISION
YALE DISTRICT
Signature
Date 20th May 1937
F.L. 9998 for C.L. 7123
File 1-9-L
HIBIT "A"

PROVINCE OF BRITISH COLUMBIA

WATER RIGHTS BRANCH

DEPARTMENT OF LANDS

FINAL WATER LICENCE.

The Superintendent General of Indian Affairs of Ottawa, Canada, is hereby authorized to divert and use water as follows:

(a.) From Fraser River

a tributary of

(b.) The point of diversion from the stream is located as shown in the Exhibit marked "A" hereto attached.

(c.) The date from which this licence shall have precedence is 2 July, 1920.

(d.) The purpose for which the water is to be used is Irrigation and domestic.

(e.) The maximum quantity of water which may be diverted from the stream is 58.2 acre feet per annum of which quantity 1000 gallons a day may be used for domestic purpose.

(f.) The period of the year during which the water may be used is for irrigation 15th April to 30th September and for domestic use the whole year.

(g.) The land upon which the water may be used is 19.4 acres of (Kanaka Bar) Indian Reserve No. 11

as shown in the said Exhibit

(h.) The works for the diversion and the carriage of the water consist of ditches.

(i.) This licence is issued in substitution of Conditional Water Licence No. 5261.

Date Issued [illegible] 20 1937

Comptroller of Water Rights

British Columbia
To accompany Final Licence No. 10,000
ASHCROFT WATER DISTRICT.
Scale, 20 Chains to 1 Inch.
TRUE NORTH
KANAKA BAR I.R. No. 2
KANAKA BAR I.R. No. 1
Tp. 13 R. 27 W. 6th M.
Tp. 13 R. 26 W. 6th M.
Points of Diversion
W.R. Map
92I/4-E
Morneylum C.
Point of Rediversion
W.R. Map
92I/4-E(B)
Natural Channel
Ditch
Nekliptum C.
Point of Diversion
W.R. Map
92I/4-E(B)
194 Acres to be irrigated
NEKLIPTUM I.R. No. 1
Point of Diversion C.
W.R. Map
92I/4-E(B)
Nekliptum C.
Frac. N.E. ¼ Sec. 24
Tp. 13, R. 26, W. 6th M.
19
YALE DIVISION YALE DISTRICT
Signature
Date 20th May 1937
Scale 10,000
Form C.L.825
File 022898
EXHIBIT A

W.R.B. 8—12M '35

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

FINAL WATER LICENCE.

The Superintendent-General of Indian Affairs of Ottawa, Canada, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is/are Morneylum and Nekliptum creeks

a tributary of/ies Fraser river.

(b.) The point of diversion from the stream is located as shown in the Exhibit marked "A" hereto attached.

(c.) The date from which this licence shall have precedence is 26 September, 1888.

(d.) The purpose for which the water is to be used is irrigation and domestic.

(e.) The maximum quantity of water which may be diverted from the stream is 84 acre feet per annum, of which quantity 1000 gallons a day may be used for domestic purpose.

(f.) The period of the year during which the water may be used is for irrigation is 1st April to 30th September and for domestic use the whole year.

(g.) The land upon which the water may be used is 28 acres of Kanaka Bar Indian Reserve No. 2

as shown in the said Exhibit "A."

(h.) The works for the diversion and the carriage of the water consist of ditches.

(i.) This licence is issued in substitution of Conditional Water Licence No. 7126.

ENTERED ON
No. AA 42

Date issued May 20,1937.

Comptroller of Water Rights.

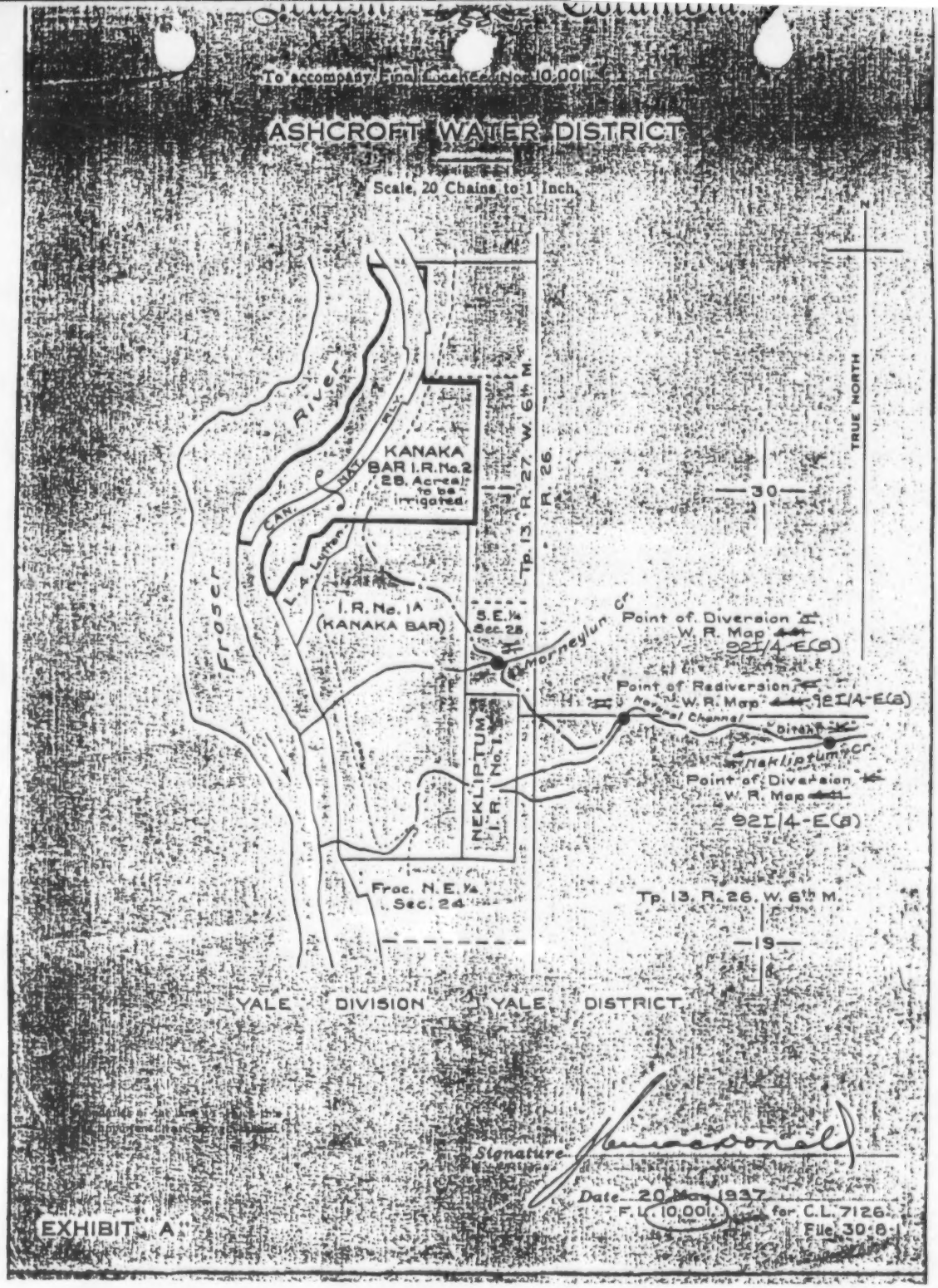
File No. 30-8-1

Licence No. 10001

To accompany Final Tracks Nos. 10,001

ASHCROFT WATER DISTRICT

Scale, 20 Chains to 1 Inch.



YALE DIVISION YALE DISTRICT.

Signature

Date 20 May 1937

F. L. (10,001) for C.L. 7126.

File 30-8-1

EXHIBIT "A"

Province of British Columbia

Ministry of Environment

PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licence 68454 whose licence authorizes the diversion of water from Nekliptum Creek, is hereby authorized to occupy Crown Land by constructing, maintaining and operating thereon the works authorized under the said licence and any licence which may be issued in substitution thereof.

(a) The Crown Land which is authorized to be occupied under this permit is a portion of unsurveyed land Lillooet District, the location of which is shown approximately on the plan attached to the said water licence.

(b) The approximate area of the Crown Land authorized to be occupied under this permit is 800 feet in length by 15 feet in width for an area of 0.28 ac.

(c) The permittee may cut and remove from the said Crown Land any timber necessary to permit construction and maintenance of the said works. Prior to the cutting, destruction or flooding of any timber, the permittee shall apply for and obtain a licence to cut timber from the District Manager and the amount of stumpage, royalty and (or) compensation payable to the Crown in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Ministry of Forests of the Province of British Columbia.

(d) This permit is appurtenant to the land, mine or undertaking to which the aforesaid water licence is appurtenant.

(e) This permit shall become void if the water licence with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.

(f) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown Land or any portion thereof being submerged or damaged by erosion or otherwise affected by flooding.

(g) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.

(h) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly qualified surveyor.

A.D. Zackodnik
Regional Water Manager
Duly authorized designate of the
Minister of Environment

File: 3001854 Date Issued: JUN 25 1991 Permit No: 18126

Province of British Columbia

Ministry of Environment

PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licence 68455 whose licence authorizes the diversion of water from Nekliptum Creek, is hereby authorized to occupy Crown Land by constructing, maintaining and operating thereon the works authorized under the said licence and any licence which may be issued in substitution thereof.

(a) The Crown Land which is authorized to be occupied under this permit is a portion of unsurveyed land, Lillooet District, the location of which is shown approximately on the plan attached to the said water licence.

(b) The approximate area of the Crown Land authorized to be occupied under this permit is 2,400 feet in length by 15 feet in width for an area of 0.83 acre.

(c) The permittee may cut and remove from the said Crown Land any timber necessary to permit construction and maintenance of the said works. Prior to the cutting, destruction or flooding of any timber, the permittee shall apply for and obtain a licence to cut timber from the District Manager and the amount of stumpage, royalty and (or) compensation payable to the Crown in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Ministry of Forests of the Province of British Columbia.

(d) This permit is appurtenant to the land, mine or undertaking to which the aforesaid water licence is appurtenant.

(e) This permit shall become void if the water licence with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.

(f) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown Land or any portion thereof being submerged or damaged by erosion or otherwise affected by flooding.

(g) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.

(h) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly qualified surveyor.

A.D. Zackodnik
Regional Water Manager
duly authorized designate of the
Minister of Environment

File: 0241052 Date Issued: JUN 25 1991 Permit No: 18127

Stream Register Report Water Licence Information System

Report Requested By : RABRAMS
Date Report Requested : 1996/07/16 11:24
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : 8063025 - Kwoiek Lake on Kwoiek Creek
END POINT : 8063237 - Kwoiek Creek right of Fraser River

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		MR Map	POD	NED POD Comments					Proc	
1989/09/15	2102757	3001529	A POWERHOUSE SITE SITUATED ON KANAKA BAR I R #4 (MHYEEK) KDYD	CONSOLIDATED HYDRO INC C/O 16691 MAPLETREE CLOSE SURREY BC V4N1V9	PRGEN	15,000.00 KW	Jan 01	Dec 31		VIC VICTORIA APPLICATION
Kwoiek Creek		MR92I/4E(b)	CC	N					02L ASH - STEIN	
1990/02/26	2102749	3000580	A POWERHOUSE SITE WITHIN 1 R #4 KDYD	KANAKA BAR INDIAN BAND 981-704-7303 BOX 600 LYTTON BC V0K1Z0	PRGEN	1,000.00 KW	Jan 01	Dec 31		VIC VICTORIA APPLICATION
Kwoiek Creek		MR92I/4E(a)	GG	N					02L ASH - STEIN	
1990/02/26	2102750	3001613	UCL KDYD	KANAKA BAR INDIAN BAND 981-704-7303 BOX 600 LYTTON BC V0K1Z0	DOM IRR STOMP	500.00 GD 75.00 AF 200.00 AF	Jan 01 Apr 01 Jan 01	Dec 31 Sep 30 Dec 31		APP APPLIC-CLEARED
Kwoiek Creek		MR92I/4E(a)	ID	N					02L ASH - STEIN	
1991/09/25	2103472	3000592	A POWERHOUSE SITE WITHIN UCL KDYD LYING WEST OF IR #4 (MHYEEK)	WESTERN PACIFIC POWERGEN CORP PO BOX 250 DELTA BC V4K3N7	PROEN STOMP	247.00 CS 4,250.00 AF	Jan 01 Jan 01	Dec 31 Dec 31	LICENCE IS FOR SALE OF 30MW TO POWEREX	VIC VICTORIA APPLICATION
Kwoiek Creek		MR92I/4E(g)	EE	N					02L ASH - STEIN	
Kwoiek Creek		MR92I/4E(g)	JJ	N STORAGE IN KWOIEK LAKE						
Kwoiek Creek		MR92I/4M(f)	A	N STORAGE IN KOKASKEY LAKE						

---------- Total of 4 Licences Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : BARRAS
Date Report Requested : 1996/07/16 11:19
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : FD47855 - 442 W
END POINT : 806251 - Mark Spring

Stream Register Report

Water Licence Information System

DATE: 1996/07/16
TIME: 11:19
PAGE: 001

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source			MR Map	POD RED POD Comments					Prec	
1965/07/03	C032339	0263352	I R #2 KANAKA BAR EDYD EXC TRANS CANADA HWY (PLAN H653) & CNR R/W	KANAKA BAR INDIAN BAND 981-706-7300 BOX 210 LYTTON BC V0K1Z0	WWS07	4,000.00 GD	Jan 01	Dec 31		
Hark Spring			MR442	W H					021 ASH - LYTTON	

---------- Total of 1 Licence Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : BABRAMS
Date Report Requested : 1996/07/16 11:18
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : PD47852 - 441 J
END POINT : S06238 - Morneylun Creek left of Fraser River

Stream Register Report

Water Licence Information System

DATE: 1996/07/16
TIME: 11:18
PAGE: 001

Priority YYYY/MM/DD	Licence File Number	Appurtenancy Number	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source	MR Map	POD	RED POD Comments					Proc	
1863/11/12	F007730	0261262 6 AC OF L 4 GP 1 LYTTON KDYD	CROMSTON EARL M & NONA M BOX 35 LYTTON BC V0K1Z0	DOM IRR	500.00 GD 15.50 AF	Jan 01 Apr 01	Dec 31 Sep 30		
Horneylun Creek	MR441	B N						021 ASH - LYTTON	
1988/09/26	F010001	0261051 28.0 AC OF I R #2 KAMAKA BAR KDYD	KAMAKA BAR INDIAN BAND 981-704-7300 BOX 210 LYTTON BC V0K1Z0	DOM IRR	1,000.00 GD 84.00 AF	Jan 01 Apr 01	Dec 31 Sep 30		
Horneylun Creek	MR441	J N	REDIVERSION AT P 441 ZI CR (6261)					021 ASH - LYTTON	
Nekliptum Creek	MR921/4E(a)	F N	REDIVERSION AT P 441 ZI CR (6261)						
Nekliptum Creek (N. Channel)	MR441	P Y	REDIVERSION FROM F 921/4E(A) NEKLIPTUM C						
1920/07/02	F010000	0022899 19.4 AC OF I R #1A KAMAKA BAR KDYD	KAMAKA BAR INDIAN BAND 981-704-7299 BOX 210 LYTTON BC V0K1Z0	DOM IRR	1,000.00 GD 58.20 AF	Jan 01 Apr 01	Dec 31 Sep 30		AMD UNDER AMENDMENT
Horneylun Creek	MR441	B N						021 ASH - LYTTON	
Nekliptum Creek	MR921/4E(a)	F N							
Nekliptum Creek	MR441	C N							
Nekliptum Creek (N. Channel)	MR441	P Y	REDIVERSION FROM F 921/4E(A) NEKLIPTUM C						
Horneylun Creek	MR441	J N							

---------- Total of 3 Licences Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : RABRAMS
Date Report Requested : 1996/07/16 11:18
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : FD44321 - 92I/4E(e) F
END POINT : 806236 - Nekliptum Creek left of Fraser River

Priority YYYY/MM/DD	Licence File Number	Appurtenancy Number	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source	WR Map	POD	RED	POD Comments				Prac	
1888/09/26	C068454	3001874	IR # 1 NEKLIPTUM & EXC HWY NO 1 (PLAN H328)	IR #1A KANAKA BAR	KANAKA BAR INDIAN BAND 981-704-7298 BOX 210 LYTTON BC V0K1Z0	WWEOT	9,500.00 GD	Jan 01 Dec 31		
Nekliptum Creek	WR92I/4E(a)	F	N	REDIVERSION AT WR441 FF NEKLIPTUM CR (NORTH CHANNEL)				02I ASH - LYTTON	
Nekliptum Creek (N. Channel)	WR441	FF	Y	REDIVERSION FROM WR92I/4E(A) F NEKLIPTUM CR					
1888/09/26	C068455	0241052	IR # 1 NEKLIPTUM		KANAKA BAR INDIAN BAND 981-704-7298 BOX 210 LYTTON BC V0K1Z0	IRR	5.22 AF	Apr 01 Sep 30		
Nekliptum Creek	WR92I/4E(a)	F	N	REDIVERSION AT WR441 P NEKLIPTUM CR (NORTH CHANNEL)				02I ASH - LYTTON	
Nekliptum Creek (N. Channel)	WR441	P	Y	REDIVERSION FROM WR92I/4E(A) F NEKLIPTUM CR					
1888/09/26	F010001	0241051	28.0 AC OF I R #2 KANAKA BAR EDYD		KANAKA BAR INDIAN BAND 981-704-7300 BOX 210 LYTTON BC V0K1Z0	DOM IRR	1,000.00 GD 84.00 AF	Jan 01 Dec 31 Apr 01 Sep 30		
Nekliptum Creek	WR92I/4E(a)	F	N	REDIVERSION AT P 441 ZZ CR (6241)				02I ASH - LYTTON	
Nekliptum Creek (N. Channel)	WR441	P	Y	REDIVERSION FROM F 92I/4E(A) NEKLIPTUM C					
Norneylun Creek	WR441	J	N	REDIVERSION AT P 441 ZZ CR (6241)					
1920/07/02	F010000	0023899	19.4 AC OF I R #1A KANAKA BAR EDYD		KANAKA BAR INDIAN BAND 981-704-7299 BOX 210 LYTTON BC V0K1Z0	DOM IRR	1,000.00 GD 58.20 AF	Jan 01 Dec 31 Apr 01 Sep 30		AMD UNDER AMENDMENT
Nekliptum Creek	WR92I/4E(a)	F	N					02I ASH - LYTTON	
Nekliptum Creek	WR441	C	N						
Nekliptum Creek (N. Channel)	WR441	P	Y	REDIVERSION FROM F 92I/4E(A) NEKLIPTUM C					
Norneylun Creek	WR441	J	N						
Norneylun Creek	WR441	B	N						

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
	Source		WR Map	POD RED POD Comments					Prec	
1961/06/10	F016477	0143815	FRAC LS 10 OF SEC 24 TP 13 R 27 W6M	473026 BC LTD BOX 309 LYTTON BC V0K1Z0	DOM	1,000.00 GD	Jan 01	Dec 31		
	Nekliptum Creek		WR441	Q N					02I ASH - LYTTON	
1952/03/31	F016142	0196134	FWRHOUSE SITE IN FRAC LS 10 OF SEC 24 TP 13 R 27 W6M	473026 BC LTD BOX 309 LYTTON BC V0K1Z0	PRCON	0.10 CS	Jan 01	Dec 31		
	Nekliptum Creek		WR441	Q N					02I ASH - LYTTON	
1994/10/31	S108870	3082804	LS 9 & 10 SEC 24 TP 13 RG 27 W6M KDYD	473026 BC LTD BOX 309 LYTTON BC V0K1Z0	ENTPR	5,000.00 GD	Jan 01	Dec 31		APP APPLIC-CLEARED
					IRR	9.99 AF	Jan 01	Dec 31		
	Nekliptum Creek		WR441	Q N					02I ASH - LYTTON	

---------- Total of 7 Licences Reported ----------

SCHEDULE of Indian Reserves in the Dominion—*Continued.*

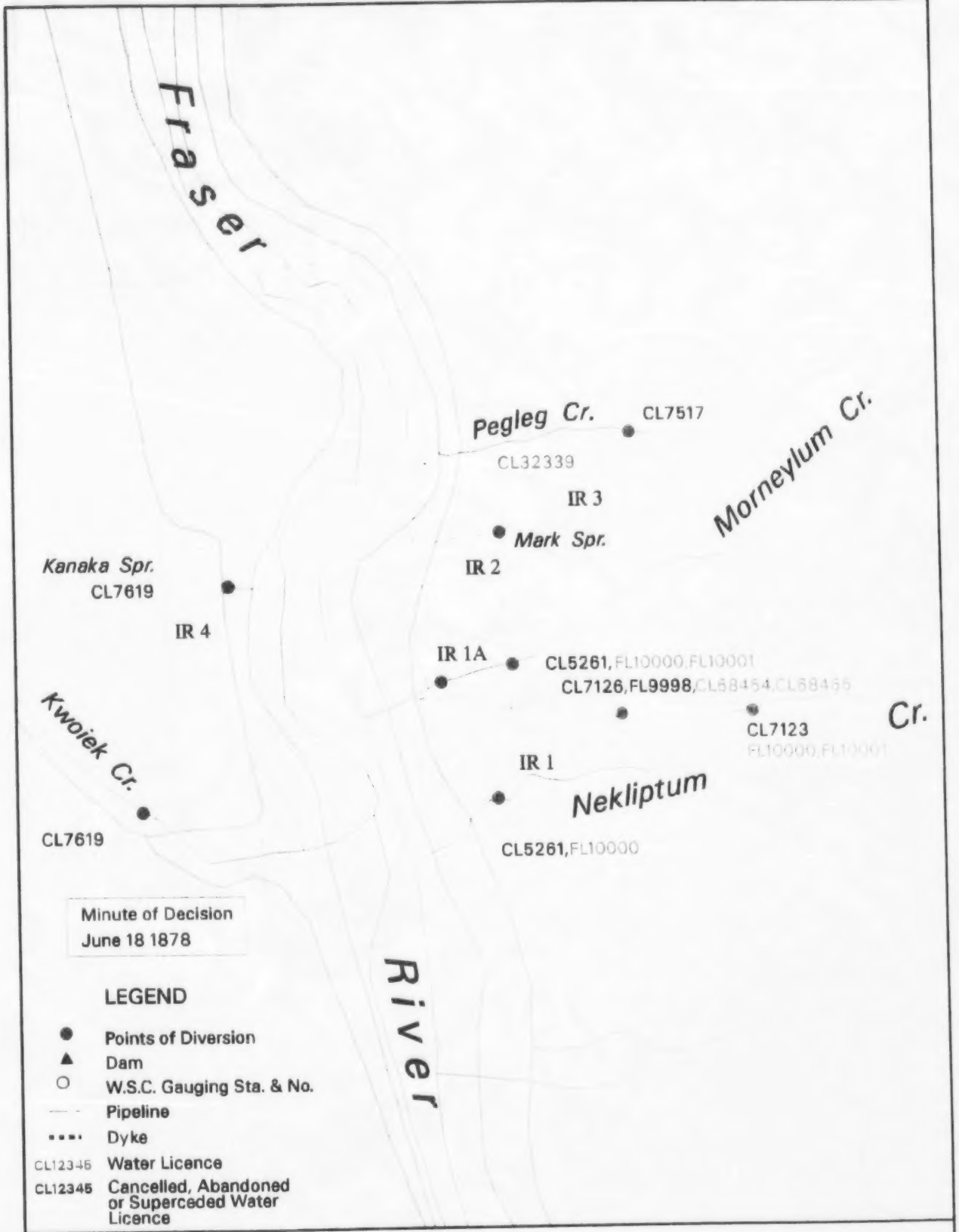
BRITISH COLUMBIA, LYTTON AGENCY—*Continued.*

No.	Name.	Where Situated.	Tribe or band.	Area, Acres.	Remarks.
5	Scaucy	Yale district, on the right bank of the Fraser, and left bank of Scaucy creek, 3 miles below Boston Bar, section 10, township 10, range 26, west 6th meridian.	Boston Bar	13·00	50 inches of water recorded from Scaucy creek, and all the water from all other sources of water-supply on the reserve. Surveyed. Approved June 24, 1887.
6	Paul's	Yale district, on the right bank of the Fraser, one mile above Hell's Gate, in section 10, township 10, range 26, west 6th meridian.	"	1·75	5 inches of water recorded from Scaucy creek, and all the water from all other sources of water-supply on the reserve. Surveyed. Approved June 24, 1887.
7	Shrypttahooks	Yale district, on the right bank of the Fraser, two miles below Boston Bar, in section 14, township 10, range 26, west 6th meridian.	"	87·00	100 inches of water recorded from Scaucy creek, and all the water from all other sources of water-supply on the reserve. Surveyed. Approved June 24, 1887.
					The Boston Bar reserves are within the railway belt, they were allotted by Commissioner Sproat, June 1, 1878; surveyed in 1882 and 1885, approved June 24, 1887.
1	Nekliptum	Yale district, near the left bank of the Fraser river, 46½ miles above Yale, on the banks of Nekliptum creek, township 13, range 26, west of the 6th meridian.	Kanaka Bar	30·00	25 inches of water recorded from Nekliptum creek, and all the water from all sources of water-supply on the reserve. Surveyed. Approved June 24, 1887.
2	Kanaka Bar	Yale district, on the left bank of the Fraser, 47 miles above Yale, in township 13, range 27, west of 6th meridian.	"	118·00	10 inches of water recorded from Nekliptum creek, 5 inches from Momeylux creek, and all the water from all sources of water-supply on the reserve. Surveyed. Approved June 24, 1887.
3	Pegleg	Yale district, quarter mile east of reserve No. 2, in township 13, range 26, west of 6th meridian.	"	10·00	5 inches of water recorded from Pegleg creek.
4	Whyeek	Yale district, on the right bank of the Fraser at Kanaka Bar, 46½ miles above Yale, in township 13, range 27, west of 6th meridian.	"	351·00	100 inches of water recorded from Whyeek creek, all the water from a neighbouring spring, and all the water from all sources of water-supply on the reserve. Surveyed. Approved June 24, 1887.
					The Kanaka Bar reserves are within the railway belt, they were defined by Commissioner Sproat, June 18, 1878. Surveyed, 1885. Approved June 24, 1887.
— 1	Nananahout	Kamloops district, on the trail from Lytton to Hat creek, in township 17, ranges 26, 27, west of coast meridian.	Lytton	770·00	Surveyed. Approved June 24, 1887.

ABANDONED 1925/11/23

ABANDONED 1925/11/23

FISHING ONLY



KANAKA BAR FIRST NATION

Scale: 1 : 25,000

Ministry of Environment, Lands & Parks | Date: March 2000 | Environment & Lands Division